



Ann Bowman
Smith/NCR/NPS
11/09/2011 12:14 PM

To John Stanwich/WHVIS/NPS@NPS

cc

bcc

Subject Fw: The Nov 15, 8 a.m. mtg re Occupied DC will be held in the NCR conf room. TONYA-plse inform USPP. Thanks!

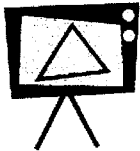
John,

FYI

Ann

Ann Bowman Smith
National Park Service Liaison to the White House
(202) 619-6354 (direct line)
(202) 619-6344 (main office)

----- Forwarded by Ann Bowman Smith/NCR/NPS on 11/09/2011 12:14 PM -----



Judy Bowman /NCR/NPS
11/09/2011 12:04 PM

To Tonya Thomas/NACC/NPS@NPS, Bob
Vogel/NAMA/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Ann Bowman
Smith/NCR/NPS@NPS, Steve Whitesell/WASO/NPS@NPS

cc

Subject The Nov 15, 8 a.m. mtg re Occupied DC will be held in the NCR conf room. TONYA-plse inform USPP. Thanks!

Judy Bowman
Staff Assistant
Office of the Regional Director
National Capital Region
(office) 202-619-7023
(fax) 202-619-7220



Judy Bowman/NCR/NPS

11/09/2011 12:04 PM

To Tonya Thomas/NACC/NPS@NPS, Bob
Vogel/NAMA/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Ann Bowman

cc

bcc

Subject The Nov 15, 8 a.m. mtg re Occupied DC will be held in the
NCR conf room. TONYA-plse inform USPP. Thanks!

History:

 This message has been forwarded.

Judy Bowman
Staff Assistant
Office of the Regional Director
National Capital Region
(office) 202-619-7023
(fax) 202-619-7220



Lisa
Mendelson-Ielmini/NCR/NPS
11/30/2011 10:25 AM

To "Steve Whitesell" <Steve_Whitesell@nps.gov>
cc
bcc
Subject Fw: Attorney-Client Privileged: Draft second response to
Carter DeWitt email response dated November 28, 2011

Fyi - loop btwn conversation with National Mall & Memorial Parks and uspp needs to be closed.

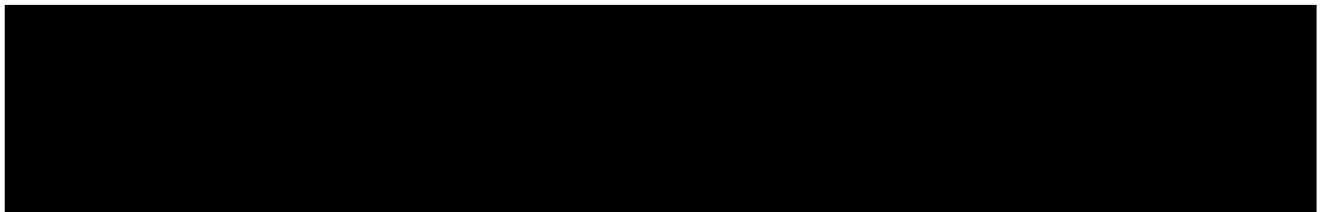
Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]

Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 11/30/2011 09:31 AM EST
To: Randolph.Myers@sol.doi.gov
Cc: Bob Vogel; Steve Lorenzetti; Lisa Mendelson-Ielmini; Teresa Chambers;
Kathleen Harasek; Karen Cucurullo; Robbin Owen; Pamela Blyth
Subject: Fw: Attorney-Client Privileged: Draft second response to Carter
DeWitt email response dated November 28, 2011

Randy,



Thanks.

Rob

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
(202) 619-7085 - Office
(202) 205-7983 - Fax
[REDACTED]
robert_maclean@nps.gov - Email

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----- Forwarded by Robert MacLean/USPP/NPS on 11/30/2011 09:19 AM -----

Teresa Chambers/USPP/NPS



To "Robert MacLean" <Robert_MacLean@nps.gov>



11/29/2011 12:47 PM

cc "Pamela Blyth" <Pamela_Blyth@nps.gov>
Subject Fw: Attorney-Client Privileged: Draft second response to
Carter DeWitt email response dated November 28, 2011

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
[REDACTED]

From: "Myers, Randolph" [RANDOLPH.MYERS@sol.doi.gov]
Sent: 11/29/2011 12:45 PM EST
To: Bob Vogel; Steve Lorenzetti
Cc: Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas; Karen Cucurullo; Robbin Owen
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM
To: Myers, Randolph; Lorenzetti, Steve
Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/28/2011 04:29 PM CST
To: Karen Cucurullo
Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas
Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally

designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation *regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.*

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]

Sent: Friday, November 25, 2011 12:18 PM

To: Carter DeWitt

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov;

Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov

Subject: Fw: Occupy DC versus other park users - I count too!

Ms DeWitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>;
Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

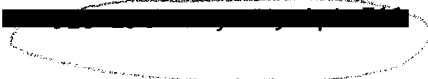
Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt


Washington, DC 20005

Carter

Ms. Carter DeWitt

Vice President of Development

Tax Foundation

National Press Building

529 14th St., NW, Suite 420

Washington, DC 20045

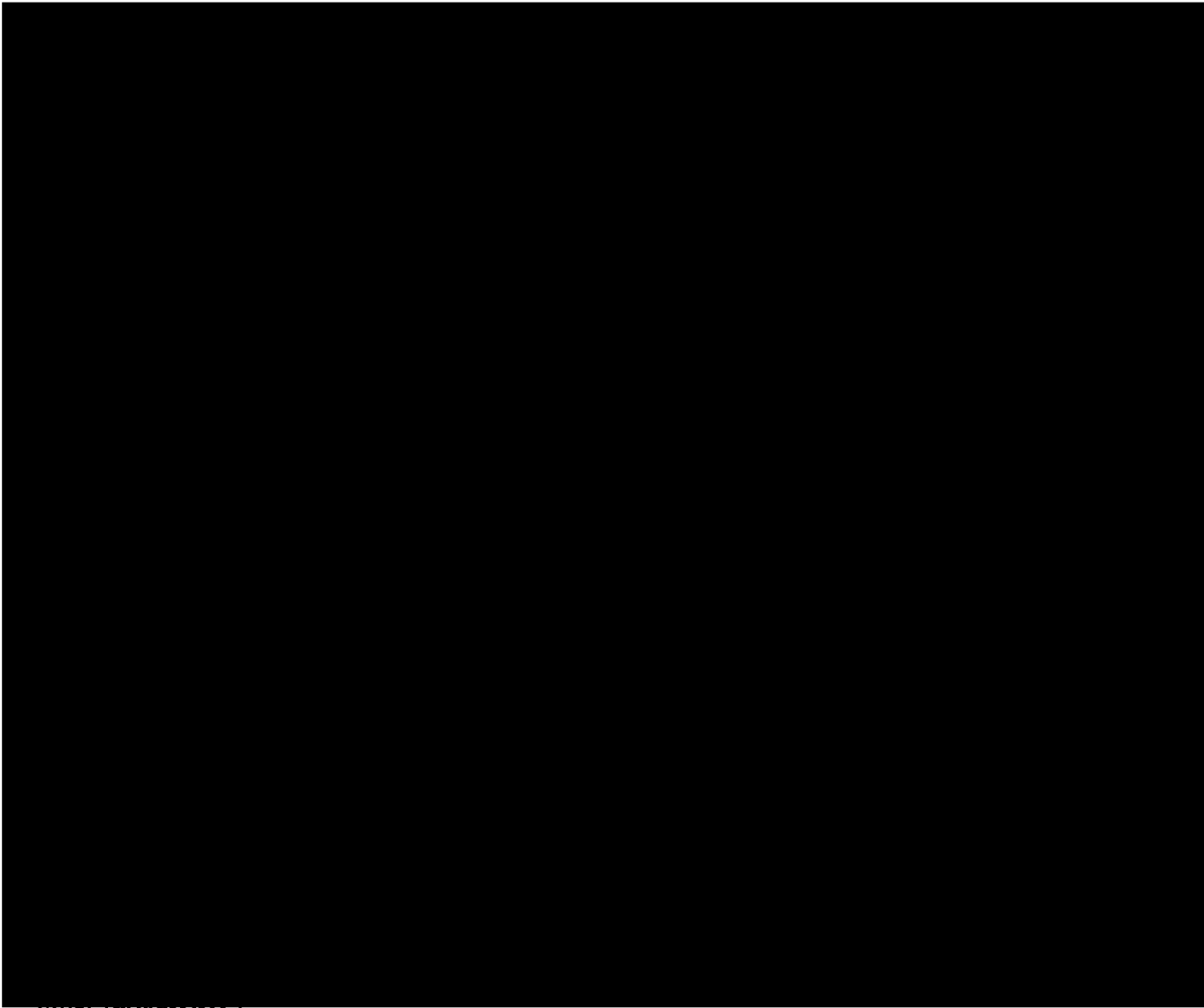
(202) 464-5110 (Direct line)

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Draft second response to DeWitt RMyers 11.29.11.docx Clark v CCNV 468 US 288 (1988).pdf



Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
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Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
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Washington, D.C. 20024-2000
Work: (202) 245-4670
Fax: (202) 426-9309

Draft NAMA response to DeWitt Needs USPP and NCR review
Attorney-Client Privileged RMyers 11/29/11

Fax: (202) 426-1835



**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

**468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986**

**March 21, 1984, Argued
June 29, 1984, Decided**

PRIOR HISTORY: CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d
586, reversed.

DECISION:

National Park Service anti-camping regulation held
constitutionally applied to Washington, D.C.,
demonstrators.

SUMMARY:

The Community for Creative Non-Violence and
several individuals brought suit in the United States
District Court for the District of Columbia to prevent the
application of a National Park Service regulation,
prohibiting camping in national parks except in
designated campgrounds, to a proposed demonstration in
Lafayette Park and the Mall, in the heart of Washington,
D.C., in which demonstrators would sleep in symbolic
tents to demonstrate the plight of the homeless. The
District Court granted summary judgment in favor of the
Park Service. The United States Court of Appeals for the
District of Columbia Circuit reversed on the ground that
the application of the regulation so as to prevent sleeping
in the tents would infringe the demonstrators' First

Amendment right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court
reversed. In an opinion by White, J., expressing the views
of Burger, Ch. J., and Blackmun, Powell, Rehnquist,
Stevens, and O'Connor, JJ., it was held that the Park
Service regulation did not violate the First Amendment
when applied to the demonstrators because the regulation
was justified without reference to the content of the
regulated speech, was narrowly tailored to serve a
significant governmental interest, and left open ample
alternative channels for communication of the
information.

Burger, Ch. J., while concurring fully in the court's
opinion, filed a concurring opinion stating that the
camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the
ground that the demonstrators' sleep was symbolic speech
and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***LEdHN1; 1984 U.S. LEXIS 136

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***LEdHN8; 1984 U.S. LEXIS 136

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the First Amendment. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the First Amendment. Pp. 293-299.

(a) Assuming that overnight sleeping in connection

with the demonstration is expressive conduct protected to some extent by the First Amendment, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

OPINION BY: WHITE

OPINION

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[***LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid*.

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid*.

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983). ²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be

468 U.S. 288, *291; 104 S. Ct. 3065, **3068;
82 L. Ed. 2d 221, ***225; 1984 U.S. LEXIS 136

used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[***LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the First Amendment. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' First Amendment right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

³ The *per curiam* opinion preceding the individual opinions described the lineup of the

judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [***LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[***LEdHR3A] [3A] [***LEdHR4] [4] [***LEdHR5] [5]We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the First Amendment.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental

468 U.S. 288, *293; 104 S. Ct. 3065, **3069;
82 L. Ed. 2d 221, ***227; 1984 U.S. LEXIS 136

interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [*294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstrators is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital First Amendment interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6] It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B] Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding

sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [**3070] the sleeping prohibition any less a time, place, or manner regulation. To the contrary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns is a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

6 Respondents request that we remand to the

468 U.S. 288, *295; 104 S. Ct. 3065, **3070;
82 L. Ed. 2d 221, ***228; 1984 U.S. LEXIS 136

Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. 227 U. S. App. D. C., at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the country and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the First Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its

major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is safe from invalidation under the First Amendment as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[**LEdHR7A] [7A] [***LEdHR8A] [8A] We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation

468 U.S. 288, *297; 104 S. Ct. 3065, **3071;
82 L. Ed. 2d 221, ***LEdHR8A; 1984 U.S. LEXIS 136

is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [***230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [***LEdHR7B] [7B] [***LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[***LEdHR1C] [1C] [***LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties.

That interest is unrelated to suppression of expression.

8 [***LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape First Amendment condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on First Amendment concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [***231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.⁹

468 U.S. 288, *; 104 S. Ct. 3065, **3072;
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9 We also agree with Judge Edwards' observation that "[to] insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is
Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the First Amendment simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The First and Fourteenth Amendments, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the First Amendment." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even

by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has countless places for the kind of "statement" these respondents sought to make.

It trivializes the First Amendment to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the First Amendment claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the First Amendment remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the First Amendment. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional

468 U.S. 288, *302; 104 S. Ct. 3065, **3073;
82 L. Ed. 2d 221, ***232; 1984 U.S. LEXIS 136

protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [*303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the

Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (*CCNV I*). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to *CCNV I*. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [*304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making *sleep* part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless

468 U.S. 288, *304; 104 S. Ct. 3065, **3074;
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persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded First Amendment protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for First Amendment purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the First Amendment. The Court looked first to the intent of

the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight. By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive

468 U.S. 288, *306; 104 S. Ct. 3065, **3075;
82 L. Ed. 2d 221, ***235; 1984 U.S. LEXIS 136

conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the First Amendment. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on First Amendment [*3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that such an inquiry would itself pose dangers to First Amendment values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting First Amendment rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new and disturbing into our First Amendment jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected First Amendment activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of First Amendment protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the

Spence approach is overinclusive because it accords First Amendment status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of First Amendment analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the First Amendment requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the First Amendment, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

6 I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [*3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the

468 U.S. 288, *308; 104 S. Ct. 3065, **3077;
82 L. Ed. 2d 221, ***236; 1984 U.S. LEXIS 136

majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the First [*309] Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the First Amendment. The First Amendment requires the Government to justify *every* instance of abridgment. That requirement stems from our oft-stated recognition that the First Amendment was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Government may have permitted out of grace but was not constitutionally

compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our Bill of Rights.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' First Amendment claims,⁷ it is utterly irrelevant to [***238] whether [**3078] the Government's ban on sleeping advances a substantial Government interest.

7 The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by First Amendment considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting First Amendment rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that

468 U.S. 288, *311; 104 S. Ct. 3065, **3078;
82 L. Ed. 2d 221, ***238; 1984 U.S. LEXIS 136

the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

⁸ See 47 Fed. Reg. 24301 (1982).

⁹ App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government

interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of First Amendment rights.¹⁰

¹⁰ At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions *compelling* the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to First Amendment cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of First Amendment protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of First Amendment analysis. It helps to put into operation the

468 U.S. 288, *313; 104 S. Ct. 3065, **3079;
82 L. Ed. 2d 221, ***239; 1984 U.S. LEXIS 136

well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the First Amendment into a ceiling that restricts persons to the protection of First Amendment equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).
12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 *Stan. L. Rev.* 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at, 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the

financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the First Amendment, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the First Amendment rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation). Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e. g., Dorsen & Gora, *Free Speech, Property, and The Burger Court: Old Values, New Balances*, 1982 *S. Ct. Rev.* 195; Van Alstyne, *The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court*, 43 *Law & Contemp. Prob.* 66 (summer 1980).

15 For a critique of the limits of the equality principle in First Amendment analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in First Amendment matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the

468 U.S. 288, *315; 104 S. Ct. 3065, **3080;
82 L. Ed. 2d 221, ***240; 1984 U.S. LEXIS 136

interests of the general public and, on the other, the interests of those who seek to use a particular forum for First Amendment activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

16 See Goldberger, Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials, 32 Buffalo L. Rev. 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to First Amendment interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same First Amendment claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of First Amendment rights, that facial viewpoint-neutrality

is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

17 See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution

59 Am Jur 2d, Parks, Squares, and Playgrounds 33

USCS, Constitution, 1st Amendment

US L Ed Digest, Constitutional Law 934, 960

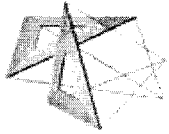
L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution. 82 L Ed 2d 958.



Kathleen Harasek/USPP/NPS

12/01/2011 09:43 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject #9 McPherson/Freedom Daily

Within the last 24 hours the following incidents were noted;

- Officers were dispatched to McPherson Square for a report of an assault. Upon arrival met with a complainant who stated that one of the protestors had spit at her during verbal argument. The victim was willing to press charges. The subject was identified and arrested.
- Officers observing activities within the park at McPherson noted that the group had erected a large flag on a flagpole in violation of current CFR Regulations
- While on routine patrol in McPherson Square officers noted a very prevalent odor of feces throughout the park, but were unable to detect a source. They identified several plastic bottles outside of tent containing yellow liquid suspected of being urine. Officers spoke to several of the protestors about the conditions, no definable actions were taken. Case number was issued for Hazardous Condition

Scheduled Activities and Events

- Gathering at McPherson Square, marching to 727 15th St NW
Description: Read
<http://occupydc.org/action-alert-occupy-dccc-let-no-party-remain-unaccountable-to-the-people>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

[REDACTED]
Kathleen_Harasek@nps.gov



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

12/01/2011 09:44 AM

To "Rozdilski, Claire C." <Claire_Rozdilski@nps.gov>, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov>, "Whitesell, Steve E." <Teresa_Chambers@nps.gov>, "Blyth, Pamela" <Pamela_Blyth@nps.gov>, "Bowman, Judy" <Judy_Bowman@nps.gov>, "Robbins, Tasha" <Tasha_Robbins@nps.gov>, "Thomas, Tonya" <Tasha_Robbins@nps.gov>

bcc

Subject RE: Occupy DC call/meeting on Monday

Claire: I'll be available Monday December 5 at 4:30, and have invited Rob Eaton to join us.

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
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This e-mail (including attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

From: Claire_Rozdilski@nps.gov [mailto:Claire_Rozdilski@nps.gov]
Sent: Thursday, December 01, 2011 9:42 AM
To: Myers, Randolph; Teresa_Chambers@nps.gov; Whitesell, Steve E.; Vogel, Bob A.
Cc: Blyth, Pamela; Bowman, Judy; Robbins, Tasha; Thomas, Tonya
Subject: Occupy DC call/meeting on Monday

Good morning,

Jon and Peggy would like to meet about Occupy DC and next steps.

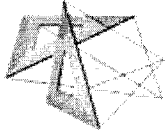
Tasha and I have scheduled it for Monday, December 5 at 4:30pm.
The meeting will be in Jon's office, and Peggy will be calling in.
If you absolutely cannot be here in person, I'll provide call-in information.

If you are absolutely unable to attend at all, please let me know asap so we can try to adjust the time.

Thanks!
Claire

Claire C. Rozdilski
National Park Service
Staff Assistant to the Deputy Director, Operations
1849 C Street NW

Washington, DC 20240
202-208-3818(Office)
~~202-208-7889 (Fax)~~
202-208-7889 (Fax)



Kathleen Harasek/USPP/NPS

12/02/2011 08:34 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject #10 McPherson/Freedom Daily

There were no significant incidents at either site over the last 24 hours

- Occupy DC protestors (approximately 20) walked to the area of the Ellipse and were routed around the event remaining on the city streets. No incidents or attempts to infiltrate the event were noted.

Events Scheduled for today

- The protestors are planning on attending a Poet's event from 1230-1400 in the 1000 Blk of 5th St. NW. No impact to NPS jurisdiction
- The protestors are planning a March to protest Wells Fargo Bank from 1600-1800 - location is not named.

Articles of Interest

- The Police are part of the 99% (<http://october2011.org/blogs/kevin-zeese/police-are-part-99>)
- Occupy DC Targets Congressional Democrats (Thursday's March)
http://www.washingtonpost.com/blogs/dc-wire/post/occupy-dc-targets-congressional-democrats/2011/12/01/gIQA6lqnHO_blog.html

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

Kathleen_Harasek@nps.gov



Bob Vogel/NAMA/NPS

12/02/2011 02:51 PM

To Carter DeWitt <cdewitt@taxfoundation.org>

cc "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,

bcc

Subject RE: Occupy DC versus other park users - I count too!

Dear Ms. DeWitt:

This responds to your e-mail to Deputy Superintendent Karen Cucurullo dated November 28, 2011, that asks about the National Park Service (NPS) regulation that authorizes temporary structures as well as a copy of the Court ruling referred to in her e-mail to you dated November 25, 2011.

We are pleased to provide you with the information you requested. As for the NPS regulation on temporary structures, the introductory sentence of 36 CFR 7.96(g)(5)(iv) specifically provides that temporary structures are allowed as part of a permitted demonstration "for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays."

As for the Court ruling, attached is a copy of *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1984), where the Supreme Court upheld the NPS camping regulation, and noted that allowing the two symbolic tent cities "left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil." Please also note that the duration of a demonstration is not limited by the National Park Service's National Capital Region. This stems from the Court of Appeals decision in *Quaker Action v. Morton*, 516 F.2d 717, 734 (D.C. Cir. 1975), that struck down as invalid the NPS regulatory restriction on the duration of demonstrations. Since then, 24/7 demonstration/vigils are a rare but regular feature in some of the Federal parks in Washington DC, which generally are never closed.

Finally, the National Park Service and United States Park Police fully agree that people have the right to protest. We also share your concern that people using parkland should also comply with applicable laws and regulations. In that regard, we have taken proactive steps as well as distributed the Notice dated November 23, 2011 and found on our website at www.nps.gov/nama/parkmgmt/upload/FreedomPlazaMcPhersonNotification_Nov23_2011.pdf, that reminds people of the NPS camping regulation and that temporary structures may not be used for camping. In the event that voluntary compliance does not occur, consistent with First Amendment jurisprudence, the National Park Service and United States Park Police plan to take a reasoned and measured approach to achieve compliance, while hoping to avoid the civil disorder that has occurred in other jurisdictions.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661



Clark v CCNV 468 US 288 (1988).pdf

Carter DeWitt Good afternoon Karen,

12/02/2011 02:08:13 PM



Carter DeWitt
[<cdewitt@taxfoundation.org>](mailto:cdewitt@taxfoundation.org)

12/02/2011 02:07 PM

To "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>
cc "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>,
"Steve_Whitesell@nps.gov" <Steve_Whitesell@nps.gov>,
"Lisa_Mendelson-Ielmini@nps.gov"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>, "tonya_robinson@nps.gov"
<tonya_robinson@nps.gov>
Subject RE: Occupy DC versus other park users - I count too!

Good afternoon Karen,

Than you for your response last Friday. Please send me the court ruling which you refer to below by the statement - "**the courts have ruled that temporary structures that support First Amendment activities are allowed.**" I would like that case number as soon as possible. I can find no record of that, nor can the attorney in my building.

Thank you for your help in this matter.

Carter

Ms. Carter DeWitt
Vice President of Development
Tax Foundation
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529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)

www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

From: Carter DeWitt

Sent: Monday, November 28, 2011 5:29 PM

To: 'Karen_Cucurullo@nps.gov'

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov;
Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov

Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation *regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.*

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter

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The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]

Sent: Friday, November 25, 2011 12:18 PM

To: Carter DeWitt

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov;

Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov

Subject: Fw: Occupy DC versus other park users - I count too!

Ms DeWitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
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Work: (202) 245-4670
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From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>;
Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two

children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

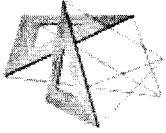
There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt

Washington, DC 20005

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability



Kathleen Harasek/USPP/NPS

12/03/2011 08:34 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject #11 McPherson/Freedom Daily

No reported incidents within the last 24 hours

Planned Activities for today

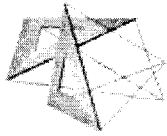
- Activities (discussions) are on the schedule within both parks. There is no indication that the groups plan offsite activities today

News items of interest

- Wikipedia acknowledges the Occupy DC Movement http://en.wikipedia.org/wiki/Occupy_D.C.

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

[REDACTED]
Kathleen_Harasek@nps.gov



Kathleen Harasek/USPP/NPS

12/03/2011 10:14 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject Fw: (U//FOUO) ACTIC Bulletin: OFFICER SAFTEY -
Document Found at Occupy Event "When Should You Shoot
A Cop?"

Interesting find--- and we need to remember that just because we didn't find the same article here, doesn't
mean the sentiment doesn't exist among our group.

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

Kathleen_Harasek@nps.gov

----- Forwarded by Kathleen Harasek/USPP/NPS on 12/03/2011 10:11 AM -----



"Riemer, Christopher A"
<Christopher_A_Riemer@ios.
doi.gov>

11/04/2011 09:43 AM

To "Riemer, Christopher A"
<Christopher_A_Riemer@ios.doi.gov>, "Van Horn, Gary"
<gary_vanhorn@ios.doi.gov>, "Richard Deriso"
<Richard.Deriso@ic.fbi.gov>, "Smith, Darrel A."
<Darrel_Smith@ios.doi.gov>, "Smith, Glenn F"
<Glenn_Smith@ios.doi.gov>, "Kmetz, John T"
<John_Kmetz@ios.doi.gov>, "Ward, Darryl"
<Darryl_Ward@ios.doi.gov>, "Marto, Bruce M"
<Bruce_Marto@ios.doi.gov>, "Bosak, Dennis"
<Dennis_Bosak@nps.gov>, "Silva, Chrisopher"
<Christopher_Silva@nps.gov>, "Russo, Michael A."
<Michael_Russo@nps.gov>, "Katherine.Heller@ic.fbi.gov"
<Katherine.Heller@ic.fbi.gov>, "Zweig, Marty"
<Martin_Zweig@nps.gov>, "Stoffolano, Matt J."
<Matt_Stoffolano@nps.gov>, "Guddemi, Charlie"
<Charles_Guddemi@nps.gov>, "Bulls, Rebecca"
<rebecca_bulls@fws.gov>, "Kish, Christina"
<christina_kish@fws.gov>, "Addington, Charles"
<Charles.Addington@bia.gov>, "Thompson, Jason"
<Jason.Thompson@bia.gov>, "Van Lancker, Jeanne M"
<JmVanLan@blm.gov>, DOI_Watch_Office
<DOI_Watch_Office@ios.doi.gov>, "Tinker, Richard E"
<Richard_Tinker@ios.doi.gov>, "Maybee, Peter"
<Peter.Maybee@bia.gov>, "Pannier, Jason"
<jason_pannier@fws.gov>, "Rolla, John C"
<John_Rolla@ios.doi.gov>, "Thorsen, Kimberly A"
<Kim_Thorsen@ios.doi.gov>, "Britton, Jason C"
<jbritton@usbr.gov>, "Lynch, Jack J"
<Jack_Lynch@ios.doi.gov>, "Fisher, Matt A."
<Matt_Fisher@nps.gov>, "Dissler, Regina K."
<Regina_Klein@nps.gov>, "Jackson, Greg"
<Greg_Jackson@nps.gov>, "Wirth, Daniel E"
<Daniel_Wirth@ios.doi.gov>, "Vacha, Patrick"
<Patrick.Vacha@bia.gov>, "Futrowsky, Steven"



<Steven_Futrowsky@doioig.gov>, "Kearns, Justin M"
<jkearns@usbr.gov>, "Kemppainen, Paul J"
<Paul_Kemppainen@nps.gov>, "Franklin, Charles N"
<Charles_Franklin@ios.doi.gov>, "Knee, Gregory J"
<Gregory_Knee@ios.doi.gov>, "Lawler, Gregory R"
<Greg_Lawler@ios.doi.gov>, "Gallagher, James P"
<James_Gallagher@ios.doi.gov>, "Hanson, Polly L"
<Polly_Hanson@ios.doi.gov>, "Ingram, Gary"
<Gary_Ingram@nps.gov>, "Kilkeary, Daniel H"
<dkilkear@usgs.gov>, "Erhard, John" <jerhard@usgs.gov>,
"Baker, Dan J." <Dan_Baker@nps.gov>, "Dowdle, Mark"
<Mark_Dowdle@nps.gov>, "Rothbaum, Allen F"
<Allen_Rothbaum@ios.doi.gov>, "Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>, "Achterberg, David G"
<DAchterberg@usbr.gov>

cc

Subject RE: (U//FOUO) ACTIC Bulletin: OFFICER SAFETY -
Document Found at Occupy Event "When Should You Shoot
A Cop?"

UNCLASSIFIED//FOR OFFICIAL USE ONLY

TITLE: (U//FOUO) Article Found at Occupy Wall Street Encampment Encourages Killing Police

DATE: (U) 3 November 2011

SOURCE: (U) Washington Regional Threat & Analysis Center Officer Safety Bulletin

SUMMARY: (U//FOUO) An article entitled 'When Should You Shoot a Cop?' was discovered on October 31, 2011 at an Occupy Phoenix encampment. The article has been circulating the internet and in paper form since June 2011. Police have no credible information that the article poses additional threats to law enforcement safety, however, vigilance and situational awareness is encouraged.

DOI IMPACT: (U) Presently no direct impact; this bulletin is provided for situational/threat awareness only

FURTHER UPDATES: (U) N/A

UNCLASSIFIED//FOR OFFICIAL USE ONLY

From: Riemer, Christopher A

Sent: Monday, October 31, 2011 8:01 AM

To: Riemer, Christopher A; Van Horn, Gary; 'Richard Deriso'; Smith, Darrel A.; Smith, Glenn F; Kmetz, John T; Ward, Darryl; Marto, Bruce M; Bosak, Dennis; Silva, Christopher; Russo, Michael A.; 'Katherine.Heller@ic.fbi.gov'; Zweig, Marty; Stoffolano, Matt J.; Guddemi, Charlie; Bulls, Rebecca; Kish, Christina; Addington, Charles; Thompson, Jason; Van Lancker, Jeanne M; DOI_Watch_Office; Tinker, Richard E; Maybee, Peter; Pannier, Jason; Rolla, John C; Thorsen, Kimberly A; Britton, Jason C; Lynch, Jack J; Fisher, Matt A.; Dissler, Regina K.; Jackson, Greg; Wirth, Daniel E; Vacha, Patrick; Futrowsky, Steven; Kearns, Justin M; Kemppainen, Paul J; Franklin, Charles N; Knee, Gregory J; Lawler, Gregory R; Gallagher, James P; Hanson, Polly L; Ingram, Gary; Kilkeary, Daniel H; Erhard, John; Baker, Dan J.; Dowdle, Mark; Rothbaum, Allen F; Harasek, Kathleen; Achterberg, David G (DAchterberg@usbr.gov)
Subject: (U//FOUO) ACTIC Bulletin: OFFICER SAFTEY – Document Found at Occupy Event “When Should You Shoot A Cop?”

UNCLASSIFIED//FOR OFFICIAL USE ONLY

TITLE: (U) OFFICER SAFTEY – Document Found at Occupy Event “When Should You Shoot A Cop?”

DATE: (U) 27 OCT 2011

SOURCE: (U) Arizona Counter-Terrorism Information Center Bulletin

SUMMARY: (U) Copies of an “information “letter were left on a table for protestors pick up and read during the “Occupy Phoenix” event at Cesar Chavez Park. The presence of the letter was reported to the ACTIC by a Maricopa County Sheriff’s Deputy who had responded to an unrelated call and was alerted to it by another deputy working the event

(U) This letter is blatantly anti-government and anti-law enforcement in nature. It not condones but even encourages citizens to kill any “government agent”(i.e. law enforcement officer), who in their perception violates their rights. Examples are given in the document, of “illegal” search and seizure, sobriety and border checkpoints, airport security, etc... In essence this document states that citizens have the right and moral obligation to resist any action by law enforcement that is viewed as a violation of the citizen’s rights, and often-times resistance involves killing officers.

(U) “Occupy” events have drawn protestors for various causes including “Chalk

the Police” and “Police Brutality Day”. With emotions high in regards to law enforcement and government personnel, there is obvious concern this document could incite actions with protestors to take actions they might not have taken otherwise.

ATIC COMMENT: There have been no specific or credible threats against law enforcement agencies, officers or public officials, and no arrests have been made. This situation is currently under investigation.

DOI IMPACT: (U) Presently no direct impact; this bulletin is provided for situational/threat awareness only

FURTHER UPDATES: (U) N/A

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Article Found at Occupy Wall Street Encampment Encourages Killing Police.pdf

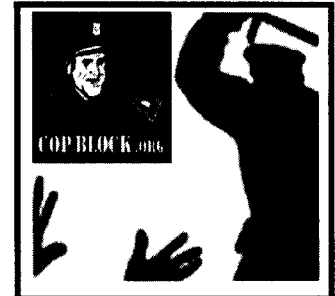


(U//FOUO) Article Found at Occupy Wall Street Encampment Encourages Killing Police

(U//FOUO) Executive Summary: An article entitled 'When Should You Shoot a Cop?' was discovered on October 31, 2011 at an Occupy Phoenix encampment. The article has been circulating the internet and in paper form since June 2011. Police have no credible information that the article poses additional threats to law enforcement safety, however, vigilance and situational awareness is encouraged.

(U//FOUO) Scope: Provide law enforcement officers with situational awareness regarding the two-page article 'When Should You Shoot a Cop?' discovered at an Occupy Phoenix encampment.

(U//FOUO) Background: Copblock.org is an organization that seeks to expose police corruption, false arrest, and brutality through online postings of news articles and videos of police brutality. On June 28, 2011, an article entitled 'When Should You Shoot a Cop' was published on Copblock.org.¹ Police discovered the article in the form of a flyer at an 'Occupy Phoenix' encampment on October 31, 2011.



- The Occupy Phoenix movement is an extension of the national 'Occupy Wall Street' movement where participants, exercising their first amendment rights, protest against social and economic inequality, government corruption, and corporate greed, especially in the financial services sector.
- The 'Occupy Wall Street' movement has been heralded by the media as America's Arab Spring. The Arab Spring is a wave of demonstrations in Arab countries beginning in 2010, where protestors used civil resistance, strikes, demonstrations, and social media to organize actions and awareness of the cause. Many Arab Spring demonstrations resulted in violent responses from government forces.

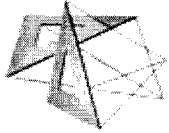
(U//FOUO) Overview: The author of the two-page 'When Should You Shoot a Cop?' article characterizes the government as a tyrannical regime backed by police officers dubbed as "mercenaries, hired thugs and jackboots." The paper focuses on one central point:

If a police officer violates your rights (freedom of speech, right to bear arms, freedom from unreasonable search and seizure) then you have the choice to either submit or kill the officer

The author draws parallels to atrocities committed in the Hitler, Lenin, and Chairman Mao regimes where citizens were treated like sub-humans and gunned down in the street by corrupt and violent 'law enforcement officials.' Readers are told that they have the right to stop corrupt police, which "will almost always require killing them."

(U//FOUO) Outlook: The article 'When Should You Shoot a Cop?' has been circulating online and in hard copy since June of 2011. Although many readers agreed with the substance of the article, numerous people who posted online responses patently disagree with the author's thesis calling it dangerous, over the top, and absurd. Phoenix Police investigating the discovery of the flyer said there were no credible threats against law enforcement officers as a result of the discovery. The District's Occupy Wall Street movement is active however; there has been no local discovery of the document in protest encampments and no local attempts to harm police monitoring the movement.

¹ Rose, L. (June 28, 2011). When Should You Shoot a Cop. <http://www.copblock.org/5475/when-should-you-shoot-a-cop/>



Kathleen Harasek/USPP/NPS

12/05/2011 09:35 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject 13# McFearson/Freedom Daily

The following incidents occurred within the last 24 hours:

- A wooden barn-like structure was erected in the southwest quadrant of McPherson Square in the morning of 12/04/11. Officers responded and instructed the protestors to take down the structure within an hour as it was not permitted. The protestors refused and staged an occupancy on and within the structure. USPP officers established a perimeter as resources were called in. Initially 9 arrests were made within the park for crossing a police line, disorderly conduct or failure to obey lawful order. Once the area was isolated and secured with sufficient resources to include; DOI Solicitor's Office, MPD, Metro Transit, DC FEMS and NPS Maintenance, the DCRA conducted an inspection of the structure and deemed that it was unsafe (12 DCMR 115.1). It was appropriately placarded by the DCRA Inspector. USPP then ordered the protestors to leave the structure and they refused. A police line was established around the structure, warnings were given and arrests were affected to 18 protestors within the structure. 6 remained on the roof and a tactical plan was established to safely extricate them from the structure. Once all protestors were removed from the structure it was disassembled and removed from the park without further incident. The park was reopened to the public at approximately 2330 hours. **Total arrests=31**

Events Scheduled for today

- **Effective today at 0600 USPP will provide 24 hour coverage to both McPherson and Freedom.**
- Jackson Browne will be giving a concert to the Freedom Plaza group today at 1300.

Internet Blogs and articles

- Occupy DC's Statement on the Wooden Structure
<http://occupydc.org/statement-the-wooden-structure/>
- Jackson Browne sings at Freedom Plaza
<http://october2011.org/blogs/kevin-zeese/jackson-brown-sings-freedom-plaza-monday>
- Protestors arrested in standoff
http://www.washingtonpost.com/local/occupy-dc-protesters-arrested-in-standoff-over-makeshift-shelter-at-mcpherson-sq/2011/12/04/gIQAEd9TO_story.html?tid=pm_pop
- 31 Arrested at Occupy DC Site
<http://www.nytimes.com/2011/12/05/us/occupy-dc-stopped-from-putting-up-a-building.html>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

Kathleen_Harasek@nps.gov



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

12/05/2011 04:27 PM

To "Roth, Barry" <BARRY.ROTH@sol.doi.gov>, "Eaton, Robert" <Robert.Eaton@sol.doi.gov>, "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>
cc "Whitesell, Steve E." <Steve_Whitesell@nps.gov>, "Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>, "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Harasek,
bcc

Subject FW: Henke v DOI (DDC)

Attached is the just-received lawsuit styled Harke v DOI, which I am now reviewing. The case is set for a TRO today at 5:45 pm before Judge James Boasberg in Courtroom 19.

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Braswell, Marina (USADC) [mailto:Marina.Braswell@usdoj.gov]
Sent: Monday, December 05, 2011 4:15 PM
To: Myers, Randolph
Subject: FW: Henke

From: Rowan, Reginald (USADC)
Sent: Monday, December 05, 2011 4:13 PM
To: Braswell, Marina (USADC)
Subject: Henke



Henke 11-2155 Documents.pdf

TYPE-D

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-02155-JEB**

HENKE v. DEPARTMENT OF THE INTERIOR
Assigned to: Judge James E. Boasberg
Cause: 42:1981 Civil Rights

Date Filed: 12/05/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff**BRETT EUGENE HENKE**

represented by **Jeffrey Louis Light**
LAW OFFICE OF JEFFREY LIGHT
1712 Eye Street, NW
Suite 915
Washington, DC 20006
(202) 277-6213
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**DEPARTMENT OF THE
INTERIOR**

Date Filed	#	Docket Text
12/05/2011	<u>1</u>	COMPLAINT against DEPARTMENT OF THE INTERIOR (Filing fee \$ 350, receipt number 4616044278) filed by BRETT EUGENE HENKE. (Attachments: # <u>1</u> Civil Cover Sheet)(td,) (Entered: 12/05/2011)
12/05/2011		SUMMONS (3) Issued as to DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (td,) (Entered: 12/05/2011)
12/05/2011	<u>2</u>	MOTION for Temporary Restraining Order by BRETT EUGENE HENKE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(td,) (Entered: 12/05/2011)

PACER Service Center**Transaction Receipt**

12/05/2011 16:03:23			
PACER Login:	du2319	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-02155-JEB
Billable Pages:	1	Cost:	0.08

action, Plaintiff seeks a temporary restraining order followed by declaratory and injunctive relief, in order to prevent unconstitutional governmental interference with their First and Fourth Amendment rights.

2. This action seeks to vindicate rights protected by the First and Fourth Amendments to the United States Constitution and is brought pursuant to the inherent authority of the federal judiciary to restrain unlawful acts of the government. The Court has jurisdiction over this action under 28 U.S.C. §1346.

3. Venue is proper in the District of Columbia because it is the forum in which the injury is occurring and where the Plaintiff and Defendant can be found.

4. Plaintiff is a member of Occupy DC, an unincorporated nonprofit association, members of which have gathered to protest and to petition the government in order to bring awareness to the concerns about United States economic policy, wealth disparity and the political process, through the peaceful, symbolic, round-the-clock occupation of McPherson Square in Washington, DC. Occupy DC participants came together on October 1, 2011, to begin physically occupying McPherson Square on that day and have continuously and peacefully occupied McPherson Square since that date. The location, bordering K Street, is integral to the expression of the Occupy DC message of the possibility that government will hear the voices of the people and will move, with the people, towards a more democratic, just and economically egalitarian society.

5. The Occupy Movement is a people-initiated movement that commenced with Occupy Wall Street in Zucotti Park, now called Liberty Square, in Manhattan's Financial District in New York City on September 17, 2011. Occupy has spread to hundreds of cities, towns and states in the United States and to more than 1500 locations worldwide. The movement seeks to expose how the wealthiest 1% of society are promulgating an unfair global economy that is harming people, and destroying

communities worldwide. The Occupy protestors have come out to protest and to petition the government for more economic equality through societal and governmental changes.

6. A key purpose of the Occupy Movement is to raise awareness about issues with the United States political process and the country's extreme economic inequality by participating in symbolic, round-the-clock, peaceful protests, or "occupations."

7. The protests in the states, cities and towns across the country use the "Occupy" identifier, first used by Occupy Wall Street, and the same slogan, "We are the 99%," referring to the extreme wealth disparity between the wealthiest 1% of Americans and the rest of the populace.

8. Occupy participants utilize a "general assembly" form of direct democracy, which aims to equalize the power of individual voices. The general assembly is not only functional, but is also symbolic of what form a more just and egalitarian society might take. Collective decision-making is made in an open, participatory and non-binding manner.

9. The Occupy protestors' 24 hour-a-day physical occupation of the portion of the city or town which they occupy is a core component of the message of the Occupy movement, and is expressed through the establishment of a tent city, which remains in place around-the-clock. The tents are not only a means of shelter, but are, more importantly, a key component of protestors' actual "occupation" of the city or town and, therefore, a key component of the Occupy protestors' political statement and petitioning conduct. It expresses the Occupy protestors' statement of the 99% taking back the city or town and of hope for a more just and equal society in a way that other forms of protest could not express.

10. A group of participants, including the named plaintiff, set up tents in McPherson Square, and began making plans for occupying the site for an indefinite period of time.

11. Carol Johnson, a spokeswoman for the National Park Service, a subagency of Defendant Department of the Interior, stated to a reporter from the Huffington Post, in reference to the occupiers at McPherson Square, "[T]ents are allowed there. And a 24-hour vigil is allowed there."

12. Occupy DC is now an established tent city located in McPherson Square. Like the tent cities in other locations across the country, literal occupation of McPherson Square 24 hours-a-day is a core component of the Occupy DC movement and a key message the Occupy DC protestors seek to communicate to the government and the world. The tent city is not merely a symbol, but functions as a model community demonstrating the protesters' vision of a more just and equal society. Physically occupying D.C., including sleeping overnight in the tent city, is the only effective manner in which Occupy DC members can express their message of taking back the city to create a more just, economically egalitarian society.

13. The McPherson Square tent city expresses the Occupy DC protestors' statement of the 99% taking back the City of Washington, and of hope for a more just society and more egalitarian economic policies in a way that other forms of protest could not. It also clearly identifies Occupy DC as part of the larger Occupy movement in a manner that other forms of protest could not accomplish. Occupy DC, along with the entire Occupy movement, seeks to begin an ongoing discussion about reforming Wall Street and removing special interests from government. Marching, making speeches, holding up signs, or other forms of protests cannot communicate the message of taking back the City of Washington, and demonstrating the possibility of a more just and equal

society, in the manner that Occupy DC's tent city and around-the-clock protest communicates that message.

14. The tent city also symbolizes a permanent occupation and this is central to the Occupy DC message that challenges corporations' permanent occupation of the government.

15. The McPherson Square location is also fundamental to the Occupy DC message. Locating the Occupy DC tent city directly on K Street communicates a message to about the disproportionate influence of corporate lobbyists, and that message could not be communicated as effectively in another location.

16. There is no alternative location in Washington at which Occupy DC members can effectively communicate their message or petition the government.

17. Like all of the Occupy locations, Occupy DC utilizes the slogan "We are the 99%," as part of its political message and petitioning activity to highlight the difference in the United States between the wealthiest 1% and the rest of the population.

18. Occupy DC utilizes direct democracy with the aim of equalizing the power of individual voices. This direct democracy is not only functional, but is itself symbolic of the more just and egalitarian society that the protestors' envision. Occupy DC utilizes a "general assembly" to facilitate collective decision making in an open, participatory and non-binding manner. General assembly is an open forum held on most days and Occupy DC welcomes anyone to participate in general assembly, both occupiers and passersby.

19. Since October 1, 2011, the Occupy DC tent city has continuously occupied McPherson Square and has averaged approximately 100 participants staying overnight at the tent city, with fewer during the day, since many of the regular participants work and/or attend school during the day.

20. The Occupy DC protestors have continued to be vigilant about health and safety issues and have continued to protest peacefully through the tent city.

21. On Sunday, December 4, 2011, the United States Park Police, a subagency of Defendant Department of the Interior, closed off an area of McPherson Square which contained numerous tents, including one belonging to Plaintiff. Until the Park Police were informed that Plaintiff would be seeking a temporary restraining order to reopen the closed off portion of the park, no occupiers were allowed to enter the area to retrieve their personal belongings or to protest in that area.

22. The United States Park Police has jurisdiction over McPherson Square because it is federal park property.

23. On Sunday, December 4, 2011, a member of Occupy DC, Amber Jamil, spoke with Sergeant David C. Tolson, Jr. (#796) of the United States Park Police. Sergeant Tolson told the Occupy DC member that the portions of McPherson Square which had been sectioned off with yellow police tape were to be cleared and all tents and property removed.

24. Plaintiff objects to not being allowed, during the evening of December 4, 2011, to continue to occupy his tent, expressive conduct protected under the First Amendment. Plaintiff reasonably fears that Defendant's conduct will be repeated in the imminent future because the Park Police did not desist from their unlawful conduct until they were informed that Plaintiff would be seeking a temporary restraining order.

25. The Plaintiff further objects to not being allowed to retrieve his personal belongings or to protest in the sectioned off area during the evening of December 4, 2011. Plaintiff reasonably fears that Defendant's conduct will be repeated in the imminent future because the Park Police did not desist from their unlawful conduct until they were informed that Plaintiff would be seeking a temporary restraining order.

26. The Plaintiff still further objects to the threatened removal of his tent and personal property by Defendant.

27. The closing of a large section of McPherson Square fails to meet the constitutional scrutiny for the creation of police lines and for closing of a public forum to members of the public for the following reasons:

The closing of the section of McPherson Square is not a valid time, place and manner restriction because it serves no legitimate governmental interest, or in the alternative is not narrowly tailored because it forecloses all First Amendment activity in that portion of the park.

The threatened removal of Plaintiff's tent and personal property is an unconstitutional warrantless search and seizure, which is presumptively unreasonable, and no special circumstances or exceptions to the warrant requirement justify the search and seizure.

28. Plaintiff will suffer irreparable harm to his First Amendment rights to free expression and association if he is evicted from the tent in which he has been staying at Occupy DC, which is a round-the-clock tent city.

29. Plaintiff will suffer irreparable harm to his Fourth Amendment right to be free from unreasonable search and seizure as a result of having his tent and personal belongings removed from Occupy DC.

30. Plaintiff has no adequate remedy at law for these violations.

CLAIMS

31. Plaintiffs repeat and reallege the allegations of each of the preceding paragraphs as if set forth fully herein.

32. An actual claim or controversy exists between Plaintiff and Defendant as to whether Plaintiff is entitled to continue to peacefully maintain and occupy the portion

of McPherson Square which was sectioned off the evening of December 4, 2011, in the manner in which he had been continuously occupying that location.

33. Defendant has violated Plaintiff's First Amendment rights and will do so again in the immediate future unless enjoined by this Court.

34. Defendant has violated Plaintiff's Fourth Amendment rights and will do so again in the immediate future unless enjoined by this Court.

PRAYER FOR RELIEF

35. Declare that Plaintiff's peaceful occupation of his tent in McPherson Square is protected freedom of speech, assembly, association, and the right to petition the government under the First Amendment.

36. Temporarily, preliminarily, and permanently enjoin Defendant and its employees, agents, assigns, and others acting in concert with it, from closing off sections of McPherson Square to Plaintiff and to the public except in an actual emergency.

37. Temporarily, preliminarily, and permanently enjoin Defendant and its employees, agents, assigns, and others acting in concert with it, from searching and seizing Plaintiff or other occupiers' personal property.

38. Grant all other such relief at this Court may deem just and appropriate.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey Light

Jeffrey L. Light
D.C. Bar #485360
1712 Eye St., NW
Suite 915
Washington, DC 20006
(202)277-6213

Counsel for Plaintiff

CIVIL COVER SHEET

JS-44
(Rev. 2/11 DC)

D 11-2155 JEB

I (a) PLAINTIFFS BRETT EUGENE HENKE, 141 Fox Road Mars Hill, NC	DEFENDANTS DEPARTMENT OF THE INTERIOR, 1849 C St, NW Washington, DC 20240
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) <u>88888</u>	COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF
(c) ATTORNEY'S (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Jeffrey Light Law Office of Jeffrey Light 1712 Eye St., NW Suite 915 Washington, DC 20006 202-277-6213	Case: 1:11-cv-02155 Assigned To : Boasberg, James E. Assign. Date : 12/5/2011 Description: TRO/PI

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!																								
☐ 1 U.S. Government Plaintiff ☒ 2 U.S. Government Defendant ☐ 3 Federal Question (U.S. Government Not a Party) ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td>☐ 1</td> <td>☐ 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td>☐ 4</td> <td>☐ 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>☐ 2</td> <td>☐ 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>☐ 5</td> <td>☐ 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>☐ 3</td> <td>☐ 3</td> <td>Foreign Nation</td> <td>☐ 6</td> <td>☐ 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4	Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5	Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6
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Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

☐ A. Antitrust ☐ 410 Antitrust	☐ B. Personal Injury/Malpractice ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Medical Malpractice ☐ 365 Product Liability ☐ 368 Asbestos Product Liability	☐ C. Administrative Agency Review ☐ 151 Medicare Act Social Security: ☐ 861 HSA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) Other Statutes ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 890 Other Statutory Actions (If Administrative Agency is Involved)	☒ D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
☐ E. General Civil (Other) OR ☐ F. Pro Se General Civil			
Real Property ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent, Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property Personal Property ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	Bankruptcy ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 Prisoner Petitions ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition Property Rights ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark Federal Tax Suits ☐ 870 Taxes (US plaintiff or defendant) ☐ 871 IRS-Third Party 26 USC 7609	Forfeiture/Penalty ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 RR & Truck ☐ 650 Airline Regs ☐ 660 Occupational Safety/Health ☐ 690 Other Other Statutes ☐ 400 State Reapportionment ☐ 430 Banks & Banking ☐ 450 Commerce/ICC Rates/etc. ☐ 460 Deportation	☐ 462 Naturalization Application ☐ 465 Other Immigration Actions ☐ 470 Racketeer Influenced & Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Satellite TV ☐ 510 Selective Service ☐ 550 Securities/Commodities/Exchange ☐ 575 Customer Challenge 12 USC 3410 ☐ 900 Appeal of fee determination under equal access to Justice ☐ 950 Constitutionality of State Statutes ☐ 890 Other Statutory Actions (If not administrative agency review or Privacy Act)

☐ G. Habeas Corpus/ 2255 ☐ 530 Habeas Corpus-General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus - Alien Detainee	☐ H. Employment Discrimination ☐ 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation) <i>*(If pro se, select this deck)*</i>	☐ I. FOIA/PRIVACY ACT ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) <i>*(If pro se, select this deck)*</i>	☐ J. Student Loan ☐ 152 Recovery of Defaulted Student Loans (excluding veterans)
☐ K. Labor/ERISA (non-employment) ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Labor Railway Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	☐ L. Other Civil Rights (non-employment) ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 444 Welfare ☒ 440 Other Civil Rights ☐ 445 American w/Disabilities-Employment ☐ 446 Americans w/Disabilities-Other	☐ M. Contract ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ N. Three-Judge Court ☐ 441 Civil Rights-Voting (if Voting Rights Act)

V. ORIGIN

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 *Inherent authority of federal court to restrain constitutional violations

VII. REQUESTED IN COMPLAINT ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **JURY DEMAND:** YES ☐ NO ☒ (Check YES only if demanded in complaint)

VIII. RELATED CASE(S) IF ANY (See instruction) YES ☐ NO ☒ If yes, please complete related case form

DATE 5 December, 2011

SIGNATURE OF ATTORNEY OF RECORD _____

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence. Use 11001 to indicate plaintiff is resident of Washington, D.C., 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES. This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT. The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION. Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY. If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

Plaintiff incorporates herein by reference the facts alleged in the Verified Complaint.

Plaintiff also incorporates herein by reference the legal arguments contained in the Memorandum in Support of Motion for Temporary Restraining Order. Plaintiff has satisfied the four-part test for granting a temporary restraining order.

Respectfully submitted,

/s/ Jeffrey Light

Jeffrey L. Light
D.C. Bar #485360
1712 Eye St., NW
Suite 915
Washington, DC 20006
(202)277-6213

Counsel for Plaintiff

CERTIFICATE PURSUANT TO LOCAL RULE 65.1

Undersigned counsel hereby certifies that he has provided actual notice of the time of making the application for a Temporary Restraining Order to the Office of the United States Attorney for the District of Columbia by hand-delivering a copy of the Verified Complaint, and Motion for a Temporary Restraining Order together with a Notice of Intent to File for a Temporary Restraining Order to 501 3rd St, NW, 4th Floor, Washington, DC 20001.

/s/ Jeffrey Light

Jeffrey L. Light
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Suite 915
Washington, DC 20006
(202)277-6213

Counsel for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRETT EUGENE HENKE,
141 Fox Road
Mars Hill, NC

PLAINTIFF

vs.

DEPARTMENT OF THE INTERIOR,
1849 C St, NW
Washington, DC 20240

DEFENDANT

Judge _____
Civil Action No. _____

**PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF HIS MOTION FOR A TEMPORARY RESTRAINING ORDER**

Through this action, Plaintiff seeks to protect from unlawful interference certain core rights to freedom of speech, freedom to petition the government, freedom of association, freedom of assembly, and freedom from unreasonable searches and seizures guaranteed to him by the United States Constitution

Given the efforts, during the last two weeks, of federal, state and municipal governments throughout the country to clear Occupy encampments, it is clear that federal, municipal and state authorities are intent upon ending the Occupy protests.

Plaintiff is a participant in Occupy DC, an unincorporated nonprofit association, who has participated in a gathering at McPherson Square to protest and seek redress of grievances from the government. As their protest, Occupy DC participants have, since October 1, 2011, occupied McPherson Square, which borders K Street. McPherson

Square is a uniquely appropriate venue for their protest since it is both a traditional public forum and a locale in close proximity to K Street.

As the name Occupy DC makes clear, the occupation of McPherson Square is not just integral to the protesters' expression of their grievances; it is their protest. The individual plaintiff and other participants in Occupy DC intend to continue their protest. Through this action, he seeks a temporary restraining order and, after a full hearing, a permanent injunction, to prevent the Defendant from removing the protesters from McPherson Square and from taking actions against the Occupy DC participants and their property at McPherson Square which unconstitutionally interfere with or abridge Occupy DC participants' exercise of their free speech, assembly, association, petitioning, property, and privacy rights.

FACTS

Plaintiff incorporates by reference the factual allegations contained in the Verified Complaint.

ARGUMENT

A plaintiff is entitled to a temporary restraining order upon a showing (1) that it is likely to succeed on the merits, (2) that it is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its favor, and (4) that an injunction is in the public interest. *Sherley v. Sebelius*, 644 F.3d 388, 392 (D.C. Cir. 2011); *Hall v. Johnson*, 599 F. Supp. 2d 1, 6 n.2 (D.D.C. 2009) (“[t]he same standard applies to both temporary restraining orders and to preliminary injunctions.”) Although it remains unclear whether a strong showing on one factor allows a plaintiff to make a

weaker showing on other factors, *Sherley*, 644 F.3d at 392-93, the Court need not address this issue because Plaintiff here meets all four requirements.

Balancing the factors in a case involving constitutional rights constitutes sufficient irreparable harm to warrant injunctive relief. *See e.g., Elrod v. Burns*, 427 U.S. 347 (1976) (noting that First Amendment violation imposes irreparable harm on the silenced speaker); *see also Planned Parenthood v. Citizens for Com. Action*, 558 F.2d 861, 867 (8th Cir. 1977); *Henry v. Greenville Airport Comm'n*, 284 F.2d 631, 633 (4th Cir. 1960). In this matter, a consideration of each of the four traditional factors weighs decidedly in favor of granting the preliminary injunctive relief that Plaintiff seeks.

I. PLAINTIFF IS LIKELY TO PREVAIL ON THE MERITS OF HIS FIRST AND FOURTH AMENDMENT CLAIMS.

A. The government bears the burden of proof and persuasion in this case.

In this action, Defendant carries the burden of proof and persuasion. *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 816 (2000) (“When the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions”); *United States v. Beal*, 810 F.2d 574, 577 (6th Cir. 1987) (stating that the “government . . . has the burden of proving the propriety of a warrantless seizure”).

B. Plaintiff is engaging in protected, expressive First Amendment activity.

Streets and parks are the quintessential traditional public fora, because those areas “have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and

discussing public questions.” *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983) (quoting *Hague v. Committee for Indus. Org.*, 307 U.S. 496, 515 (1939)); see also *United States v. Grace*, 461 U.S. 171, 177 (1983) (“[P]ublic places historically associated with the free exercise of expressive activities, such as ... parks, are considered without more, to be public forums.”)

Occupy DC participants are occupying such a traditional public forum and their symbolic expressions of the possibility of a more democratic, just, and economically egalitarian society in this forum exemplify political speech, and fall squarely within the guarantees of freedom of speech, assembly, association and the right to petition the government protected by the First Amendment to the United States Constitution. See *Shuttleworth v. City of Birmingham*, 394 U.S. 147, 152 (1969) (describing privilege of citizens to assemble, parade, and discuss public questions in streets and parks); *Roth v. United States*, 354 U.S. 476, 484 (1957) (explaining that the broadest protection is afforded to political expression in order “to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.”) Likewise, “there is practically universal agreement that a major purpose of the [First] Amendment was to protect the free discussion of governmental affairs.” *Mills v. Alabama*, 384 U.S. 214, 218 (1966).

As the First Circuit Court of Appeals reasoned, freedom of speech:

is designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what views shall be voiced largely into the hands of each of us, in the hope that use of such freedom will ultimately produce a more capable citizenry and more perfect polity and in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests. *Bl(a)ck Tea Soc’y v. City of Boston*, 378 F.3d 8, 11-12 (1st Cir. 2004) (quoting *Cohen v. California*, 403 U.S. 15, 24 (1971)).

This conclusion reflects the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

As the U. S. Supreme Court has observed, advocacy of a politically controversial viewpoint is the essence of First Amendment expression. *See e.g., Citizens United v. Fed. Election Comm'n*, ___ U.S. ___, 130 S.Ct. 876, 892 (2010) (noting that political speech is “central to the meaning and purpose of the First Amendment”); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 347 (1995) (“[T]he advocacy of a politically controversial viewpoint is the essence of First Amendment expression.”). Given the fundamental nature of the right to unrestrained political dialogue, actions burdening core political speech are viewed with “extra scrutiny” and may be upheld only if narrowly tailored to serve an overriding state interest. *McIntyre*, 514 U.S. at 347.

The protections of the First Amendment also includes symbolic and expressive conduct designed to communicate a message, including the types of expression used by Plaintiff, who has maintained a vigil in the park, as part of a tent city. *See Spence v. Washington*, 418 U.S. 405, 409-410 (1974) (holding conviction of student for affixing a peace symbol to an American flag violated the First Amendment); *Univ. of Utah Students Against Apartheid v. Peterson*, 649 F. Supp. 1200, 1207 (D. Utah 1986) (holding shanties erected by students to protest apartheid “are symbolic expression protected under the first amendment”); *United States v. Abney*, 534 F.2d 984, 985-86 (D.C. Cir. 1976) (overturning defendant-protestor's conviction because “a round-the-clock vigil” in a park to protest lack of sufficient disability benefits constituted symbolic expression protected under the First Amendment).

In considering whether a form of symbolic expression is protected by the First Amendment, the courts consider two factors, the first of which is whether there is intent on the part of those engaging in the conduct to communicate a message through the conduct. The second factor is whether it is likely that those observing the conduct will understand the message. *Spence*, 418 U.S. at 409-10; *Univ. of Utah Students Against Apartheid*, 649 F. Supp. at 1207. For example, in *Univ. of Utah Students Against Apartheid*, the court found that the basis for the court's holding that the shanties were protected symbolic expression was the fact that the shanties were a functional replica of the shanties in South Africa and, as such, the shanties "effectively serve as the speech itself." *Id.* And, given that shanties had become symbolic of the anti-apartheid movement, the court found that it was likely that observers would understand the protestors' message. *Id.* In *United States v. Abney*, the United States Court of Appeals for the District of Columbia found that sleeping in a public park to protest a controversy regarding disability benefits constituted symbolic speech worthy of First Amendment protection. *United States v. Abney*, 534 F.2d at 985-86.

The Occupy DC protest falls clearly within the protection of the First Amendment. As did the students in the *Univ of Utah Students Against Apartheid* (649 F. Supp. at 1204), and the protestor in *Abney* (534 F.2d at 985-86), the Occupy DC protestors erected tents and keep a round-the-clock vigil at the encampment. These tents and the consensus-based, non-hierarchical governance of the encampments is symbolic of the protestors' message that it is possible to create a more democratic, egalitarian and economically just society. Such tent cities have been built throughout the country, including two in D.C., in order to communicate this message, and Plaintiff is expressing a

political message in a manner that the courts have consistently recognized as speech that is protected under the First Amendment.

Tent cities have become symbolic of the Occupy movement. Occupy DC has hosted numerous visitors at the tent city, including many from other countries who are visiting D.C. and choose to stop by McPherson Square. Given the publicity that the Occupy movement has gotten, the number of visitors to the tent city and the almost constant honking of horns of vehicles driving along K Street, observers are aware of the tent city and the message that the participants seek to convey.

Courts around the country have recognized the tent cities constructed by the Occupy movement as protected expressive activity. In *Occupy Ft. Myers v. City of Ft. Myers*, No. 11-cv-608(JES) (M.D. Fla., Nov. 15, 2011), the court stated:

The Court finds that in the context of this case the tenting and sleeping in the park as described by plaintiffs' counsel is symbolic conduct which is protected by the First Amendment. The conduct of tenting and sleeping in the park 24 hours a day to simulate an occupation is intended to be communicative and in context is reasonably understood by the viewer to be communicative. This expressive conduct relates to matters of public concern because it can be fairly considered as relating to matters of political, social, or other concern to the community and is a subject of general interest and of value and concern to the public.

Likewise, in *Occupy Minneapolis v. County of Hennepin*, 11-cv-3412 (RHK)(D. Minn. Nov. 21, 2011), the court stated:

The Court disagrees with the County, however, that precluding Plaintiffs from sleeping on the Plaza or erecting tents or other structures does not implicate First Amendment concerns. Plaintiffs correctly note that tent cities and temporary shanties built on public property can be a form of expressive symbolic communication.

In summary Plaintiff in this matter meets the standard set out in *Spence* – he knows the message that his conduct communicates and observers of his conduct are

likely to understand the message. Plaintiff's conduct is therefore protected expressive speech under the First Amendment. *See Spence*, 418 U.S. at 409-10.

C. The government must meet the *Madsen* test for constitutionality, or alternatively must prove that the restriction is narrowly tailored to serve a compelling government interest.

Defendant's actions are subject to *Madsen* scrutiny because they are applied solely or differently to Occupy D.C. *Madsen v. Women's Health Ctr.*, 512 U.S. 753 (1994). While Defendant's actions are not injunctions, they have the characteristics of an injunction which the Supreme Court found relevant to determining the level of scrutiny to apply to a restriction on expressive conduct. Unlike an ordinance, Defendant's actions do not "represent a legislative choice regarding the promotion of particular societal interests." *Id.* at 764. The actions did not "emanate from deliberative, democratic decisionmaking processes." *McTernan v. City of York*, 564 F.3d 636, 654 (3rd Cir. 2009). They do not "embody the popular will," but were conceived "without meaningful public input and without reference to formal policy or administrative channels." *Id.* at 655. Additionally, to the extent that Defendant's actions are not generally applicable to all parks, they carry a "greater risk[] of censorship and discriminatory application than do[es a] general ordinance[]." *Madsen*, 512 U.S. at 764. The fact that the actions apply to a portion of a single park also suggests a higher level of scrutiny because it increases the likelihood that the policy "will escape public condemnation." *McTernan*, 564 F.3d at 655. Finally, the fact that the actions are not written policies means that they are more likely to be arbitrary. *Id.* Whereas injunctions are written, Defendant's actions here lack the

precision and specificity required of federal injunctions. Moreover, because the actions are unwritten they are “less amenable to judicial, executive, and public oversight.” *Id.*

Under an alternative test applicable to ordinances, the government must prove that its actions are narrowly tailored to serve a compelling government interest. The Supreme Court has been critical of those restrictions that target much more than is necessary, stating that “[i]n order to be narrowly tailored, the regulations must ‘target[] and eliminate[] no more than the exact source of the ‘evil’ [they] seek to remedy.’” *Boardley v. U.S. Dep’t of Interior*, 615 F.3d 508, 523 (D.C. Cir. 2010), citing *Frisby v. Schultz*, 487 U.S. 474, 485 (1988).

Under either standard, the government’s threatened actions do not pass constitutional muster. There is no compelling government interest in preventing individuals from entering the restricted portion of McPherson Square. Further, whatever interest the government may assert, a total prohibition on not only expressive activity, but mere presence in a section of McPherson Square, is by definition not narrowly tailored.

The tent city is an integral, and necessary, part of the Occupy message and the fact that Plaintiff may protest in other portions of the park does not save an otherwise invalid restriction. As the Supreme Court stated in *Reno v. ACLU*, “[O]ne is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.” *Reno v. ACLU*, 521 U.S. 844, 880 (1997).

D. The removal of tents and their contents without a warrant would constitute an unreasonable search and seizure in violation of the Fourth Amendment.

Warrantless searches and seizures of a person's home or effects are presumptively unreasonable, subject to a few narrow exceptions.¹ *See United States v. Jacobsen*, 466 U.S. 109, 114 (1984) (warrantless search of effects presumptively unreasonable); *Payton v. New York*, 445 U.S. 573, 586 (1980) (warrantless searches and seizures inside residences are presumptively unreasonable).

Whether classified as a residence or a personal effect, an individual has a reasonable expectation of privacy in a tent, even on public property. *United States v. Gooch*, 6 F.3d 673, 677-78 (9th Cir. 1993).

Defendant's threatened removal of tents from McPherson Square is unsupported by either probable cause or special circumstances unrelated to general law enforcement.

E. Issuance of a Temporary Restraining Order would maintain the status quo until a preliminary injunction hearing.

A temporary restraining order is "ordinarily issued to preserve the status quo." *Beattie v. Barnhart*, 663 F. Supp. 2d 5, 9 (D.D.C. 2009). This underlying purpose for issuing a temporary restraining order would be served here by preserving Plaintiff's ability to remain in McPherson Square with his tent until a hearing on a motion for a preliminary injunction can be filed.

Should Plaintiff's tent be removed from McPherson Square in the interim, there is a possibility that this Court would be unable to afford him any relief because the case would be moot. *See Katherine Knox-Davies v. City of Los Angeles*, No. 11-cv-9792

¹ These exceptions, none of which apply here, include consent, search incident to arrest, investigative stops, exigent circumstances, border searches, airport searches, and administrative searches.

(GHK), Minute Order (C.D. Calif. Nov. 30, 2011)(denying as moot application for TRO by Occupy Los Angeles because police had already removed protesters from park.)

F. Plaintiff has standing to seek a temporary restraining order even if Defendant disclaims a present intention to remove Plaintiff's tent.

Even if Defendant asserts that it has decided not to remove Plaintiff's tent at present, there is no reason to believe that Defendant will allow the protest to continue indefinitely without intervention from this Court. The situation on the ground is fluid and Plaintiff's tent is in danger of being removed at any time, without notice to Plaintiff or the Court. *See Occupy Boston v. City of Boston*, No. 11-4152-G, Order on Plaintiff's Motion for a Temporary Restraining Order (Sup. Ct. Mass. Dec. 1, 2011).

G. This Court has inherent authority to issue an injunction to prohibit constitutional violations.

A federal court has inherent authority to issue an injunction to remedy a violation of constitutional rights. *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097 (11th Cir. 2004).

II. Plaintiff will suffer irreparable harm if the Court does not issue a temporary injunction.

The Supreme Court has stated: "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373-74 (1976). *See also* CHARLES ALAN WRIGHT, ARTHUR R.

MILLER, MARY KAY KANE, FEDERAL PRACTICE AND PROCEDURE § 2948.1 (2d. ed. 1995) (“When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”) Even a brief disruption of the occupation will result in, as the Supreme Court has noted, irreparable injury.

A violation of the Fourth Amendment may also suffice to establish irreparable harm. *Covino v. Patrissi*, 967 F.2d 73, 77 (2d Cir. 1992) (holding that plaintiffs may establish irreparable harm based on an alleged violation of their Fourth Amendment rights).

III. The irreparable harm which Plaintiff would suffer if the injunction does not issue far outweighs any harm to the Defendant should the temporary injunction issue.

The requested order will not impair or prejudice the Defendant’s ability to maintain public safety, and to protect the health and safety of the surrounding area. Any claim of prejudice to Defendant that would accrue in the short period of time before the Court could hold a hearing on a preliminary injunction is undermined by the fact that Occupy DC has maintained a presence in McPherson Square for over two months without any attempt by Defendant to evict the protesters.

On the other hand, Plaintiff will suffer serious harm from abridgment of his constitutional rights. On balance, the equities favor Plaintiff. *See Phelps-Roper v. Nixon*, 545 F.3d 685, 690 (8th Cir. 2008) (“The balance of equities [] generally favors the constitutionally-protected freedom of expression.”)

IV. Granting the injunction will serve the public interest.

"[I]t is always in the public interest to protect First Amendment liberties." *Joelner v. Village of Wash. Park*, 378 F.3d 613, 620 (7th Cir. 2004); *see also Phelps-Roper*, 545 F.3d at 694("the public is served by the preservation of constitutional rights.")

CONCLUSION

WHEREFORE, Plaintiff respectfully requests this Court issue a Temporary Restraining Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRETT EUGENE HENKE,
141 Fox Road
Mars Hill, NC

PLAINTIFF

VS.

DEPARTMENT OF THE INTERIOR,
1849 C St, NW
Washington, DC 20240

DEFENDANT

Judge _____
Civil Action No. _____

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Before this Court is Plaintiff's Motion for a Temporary Restraining Order.

Having found that Plaintiff is likely to succeed on the merits and that the balance of equities is in his favor, it is hereby

ORDERED that Defendant and its employees, agents, assigns, and others acting in concert with it are enjoined from closing off sections of McPherson Square to Plaintiff and to the public except in an actual emergency; and it is further

ORDERED that Defendant and its employees, agents, assigns, and others acting in concert with it are enjoined from searching and seizing Plaintiff or other occupiers' personal property without probable cause.

Judge

Dated: ____ of December, 2011

Copies to:
Jeffrey L. Light
Counsel for Plaintiff

U.S. Attorney's Office, Civil Division
Counsel for Defendant



Lisa
Mendelson-Ielmini/NCR/NPS
12/05/2011 07:29 PM

To Steve Whitesell/WASO/NPS@NPS
cc
bcc
Subject Re: May I cancel National Leadership Council call for tomorrow?

Gracias

Lisa A Mendelson, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]

Steve Whitesell

----- Original Message -----

From: Steve Whitesell
Sent: 12/05/2011 06:34 PM EST
To: Lisa Mendelson-Ielmini
Subject: Re: May I cancel National Leadership Council call for tomorrow?

Cancel

Sent from my BlackBerry Wireless Device
Lisa Mendelson-Ielmini

----- Original Message -----

From: Lisa Mendelson-Ielmini
Sent: 12/05/2011 06:02 PM EST
To: Steve Whitesell
Subject: Re: May I cancel National Leadership Council call for tomorrow?
Yes cancel or yes you did want brief call? Guess my question was clear as mud ;)

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]

Steve Whitesell

----- Original Message -----

From: Steve Whitesell
Sent: 12/05/2011 05:50 PM EST
To: Lisa Mendelson-Ielmini
Subject: Re: May I cancel National Leadership Council call for tomorrow?

Yes

Sent from my BlackBerry Wireless Device
Lisa Mendelson-Ielmini

----- Original Message -----

From: Lisa Mendelson-Ielmini
Sent: 12/05/2011 05:40 PM EST
To: Steve Whitesell

Subject: May I cancel National Leadership Council call for tomorrow?
We saw all @ Regional Leadership Council last week and there was no National Leadership Council call on Thurs..... Otherwise I suppose we can do a brief update on Terry and Occupy and you can send holiday wishes and congrats to PRPA for Tree Lighting. I can send out a msg tonite, just let me know, Thanks so much, Lisa.

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]



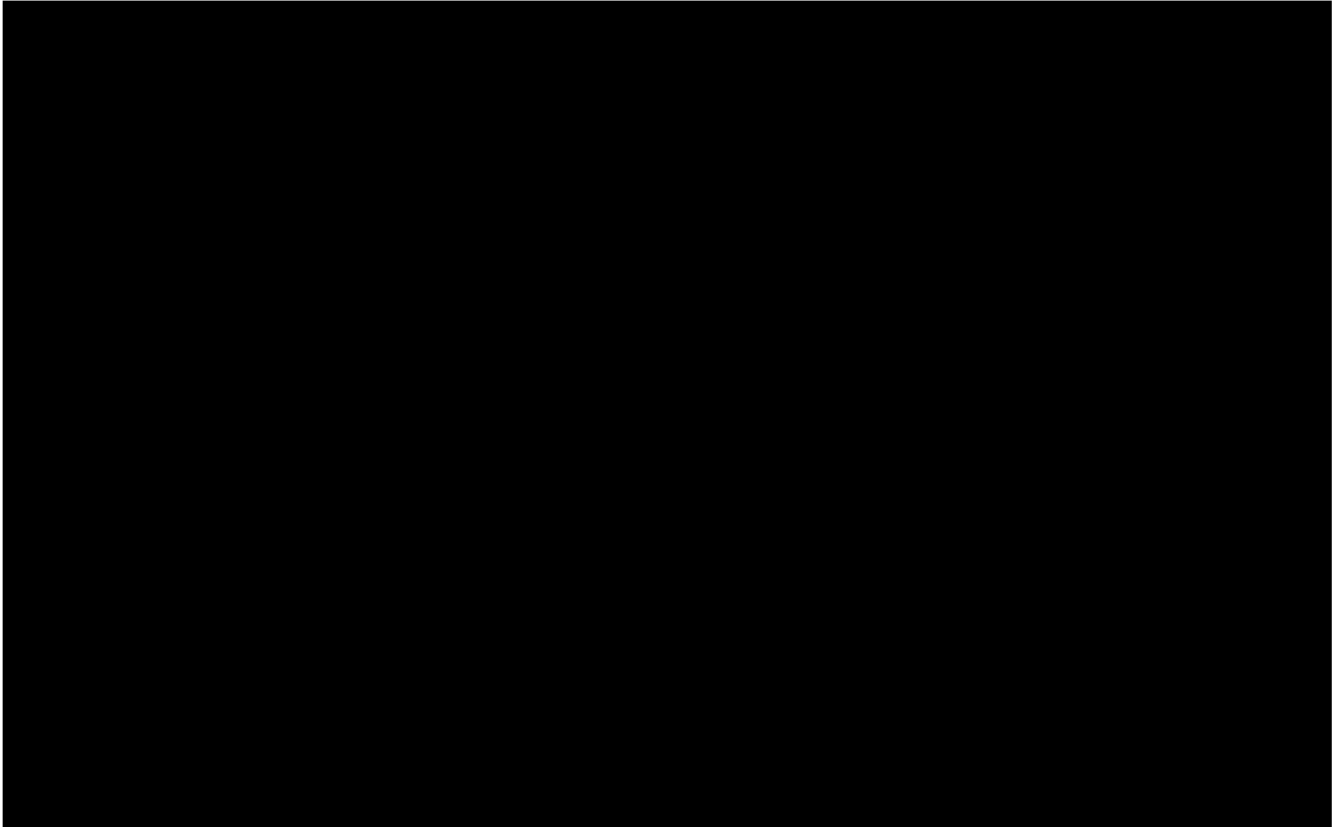
"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

12/06/2011 02:30 PM

To "Whitesell, Steve E." <Steve_Whitesell@nps.gov>,
"Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Vogel, Bob A." <Bob_Vogel@nps.gov>,
cc "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>

bcc

Subject Attorney-Client Privileged: Update on the Henke v DOI
(DDC) "Occupy DC" Litigation



Randy Myers

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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**Christopher
Niewold/NCR/NPS**
12/06/2011 03:02 PM

To Steve Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Wendy
O'Sullivan/WASO/NPS@NPS
cc Cynthia Salter-Stith/NCR/NPS@NPS
bcc

Subject Fw: Outdoor Nation newsletter

hi all,

just a follow up fyi.....you may recall an email from me several weeks ago that described the Outdoor Foundation Campus Club program here in DC. Follow the link below to see the latest newsletter from Outdoor Nation which includes a link to a youtube video of DC's local Campus Club program as they enjoy a recent Potomac River kayak outing. I'd urge you to watch the video when you get a chance. Seeing a local on the ground example of how the NPS, through our partners, can play a role in connecting young people to the out-of-doors through "fun" may help provide an element of balance to the Occupy DC structure dismantling, partner negotiations, earthquake repair and PMIS entry of our regular professional lives. The Outdoor Foundation through their Outdoor Nation program gets the credit for making this program available to the young people of DC.

best

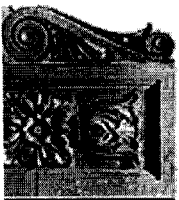
chris

Chris Niewold
Rivers, Trails, and Conservation Assistance
National Park Service - National Capital Region
Ph (202)-690-5153
Cell (202) 690-7025
fax (202)690-1425

The National Park Service cares for special places
saved by the American people so that all may
experience our heritage.

EXPERIENCE YOUR AMERICA

----- Forwarded by Christopher Niewold/NCR/NPS on 12/06/2011 02:36 PM -----



Julie Isbill/BOSTON/NPS
Sent by: Julie Isbill

12/06/2011 01:32 PM

To NPS RTCA National Staff
cc ilevin@outdoorfoundation.org
Subject Outdoor Nation newsletter

Greetings RTCA,

I think you will enjoy the Outdoor Nation newsletter - follow the link. And pass it along to any of your partners who might want to connect to this organization that is all about empowering young people to take the lead in getting outside!

http://campaign.r20.constantcontact.com/render?llr=qmcxmrdab&v=001aqkzoXHU1G1uY5jRR6sjCTfG4CxH8512s-dyFLIEwaBh-PJa40r-1_h0j1YZBwcDCZak7_1q-tpVtPJKQUKNN-

8MeDXBCHW eS50Vx0GjoXWEW6nnb3xabAwPRi9WBv1uleXLaIuWg1dDtzQcAtmcv0E ZZmLKuKdS
h3s J7ENOnGZTYKmZNYcmtoZYn1fOnQXlxDmZsHuQk9VZ5V0dSsn5anaNiBZ63nniL03-QfoOYmf
iWmP9033tY0X1HNI5MmBK5A1R5CvRoJFjrM-IDKw%3D%3D

All the Best,
Julie

Julie Isbill
National Park Service Rivers & Trails
14 Maine Street, Suite 302
Brunswick, Maine 04011
207.725.5028



Sean Kennealy/NACC/NPS
12/06/2011 03:50 PM

To Philip Selleck/NCR/NPS@NPS
cc Carol B Johnson/NACC/NPS@NPS, Doug
Jacobs/NCR/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Stanley A
bcc

Subject Re: Fw: Question about building codes in National Parks

Most NPS assets are designed to the International Codes (building, mechanical, electrical etc...). Federal agencies are encouraged to comply with local codes where feasible. DC uses the International Code with local supplements that largely govern procedural matters. Here is a link to the Denver Service Center where all the various aspects of NPS design are listed. They do specify the International codes.

<http://www.nps.gov/dscw/dsarch.htm>

Thanks, Sean

Sean Kennealy
Chief, Division of Facility Management
National Mall and Memorial Parks
202-245-4685 (office)
202-426-0099 (fax)

Philip Selleck Bill, As far as the question of codes go for the M...

12/06/2011 02:44:19 PM



Philip Selleck/NCR/NPS
12/06/2011 02:42 PM EST

To William Line/NCR/NPS@NPS
cc Carol B Johnson/NACC/NPS@NPS, Doug
Jacobs/NCR/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Sean
Kennealy/NACC/NPS@NPS, Stanley A
Briscoe/NCR/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS
Subject Re: Fw: Question about building codes in National Parks

Bill,

§ 2.10 Camping and food storage.

- (a) The superintendent may require permits, designate sites or areas, and establish conditions for camping.
- (b) The following are prohibited:

(1) Digging or leveling the ground at a campsite.

(2) Leaving camping equipment, site alterations, or refuse after departing from the campsite.

(3) Camping within 25 feet of a water hydrant or main road, or within 100 feet of a flowing stream, river or body of water, except as designated.

(4) Creating or sustaining unreasonable noise between the hours of 10:00 p.m. and 6:00 a.m., considering the nature and purpose of the actor's conduct, impact on park users, location, and other factors which would govern the conduct of a reasonably prudent person under the circumstances.

(5) The installation of permanent camping facilities.

(6) Displaying wildlife carcasses or other remains or parts thereof, except when taken pursuant to §2.2.

(7) Connecting to a utility system, except as designated.

(8) Failing to obtain a permit, where required.

(9) Violating conditions which may be established by the superintendent.

(10) Camping outside of designated sites or areas.

(c) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

(d) *Food storage.* The superintendent may designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object, or shall be stored as otherwise designated. Violation of this restriction is prohibited. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

§ 2.61 Residing on Federal lands.

(a) Residing in park areas, other than on privately owned lands, except pursuant to the terms and conditions of a permit, lease or contract, is prohibited.

(b) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.

William Line

Everyone:

12/06/2011 02:05:14 PM



Steve Whitesell/WASO/NPS

12/06/2011 03:57 PM

To Carol B Johnson/NACC/NPS@NPS, Philip
Selleck/NCR/NPS@NPS
cc Doug Jacobs/NCR/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Sean
Kennealy/NACC/NPS@NPS, Stanley A

bcc

Subject Re: Fw: Question about building codes in National Parks

Sent from my BlackBerry Wireless Device
Carol B Johnson

----- Original Message -----

From: Carol B Johnson
Sent: 12/06/2011 03:13 PM EST
To: Philip Selleck
Cc: Doug Jacobs; Lisa Mendelson-Ielmini; Sean Kennealy; Stanley Briscoe;
Steve Lorenzetti; Steve Whitesell; William Line
Subject: Re: Fw: Question about building codes in National Parks

I agree that it is a moot point given the regs, but there have been questions about why someone from DC was there to inspect the structure.

Carol Bradley Johnson

Communications Officer
National Park Service
National Mall and Memorial Parks
900 Ohio Drive, SW
Washington, D.C. 20024
Phone: 202-245-4700

Philip Selleck

Bill, As far as the question of codes go for the M...

12/06/2011 02:44:19 PM



Philip Selleck/NCR/NPS

12/06/2011 02:42 PM

To William Line/NCR/NPS@NPS
cc Carol B Johnson/NACC/NPS@NPS, Doug
Jacobs/NCR/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Sean
Kennealy/NACC/NPS@NPS, Stanley A
Briscoe/NCR/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS
Subject Re: Fw: Question about building codes in National Parks

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(5) The installation of permanent camping facilities.

- (6) Displaying wildlife carcasses or other remains or parts thereof, except when taken pursuant to §2.2.
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 - (8) Failing to obtain a permit, where required.
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- (c) Violation of the terms and conditions of a permit issued in accordance with this section is prohibited and may result in the suspension or revocation of the permit.
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William Line

Everyone:

12/06/2011 02:05:14 PM

William Line/NCR/NPS

12/06/2011 02:05 PM



To Doug Jacobs/NCR/NPS@NPS, Steve Lorenzetti/NACC/NPS@NPS, Philip Selleck/NCR/NPS@NPS, Sean Kennealy/NACC/NPS@NPS, Stanley A Briscoe/NCR/NPS@NPS, Carol B Johnson/NACC/NPS@NPS
cc Steve Whitesell/WASO/NPS@NPS, Lisa Mendelson-Ielmini/NCR/NPS@NPS



Subject Fw: Question about building codes in National Parks

Everyone:

Per the question raised below, does any one know the answer to what building code applies in NCR Parks? As noted, the question is raised over the structure that was partially put up in McPherson Square Saturday evening.

If we can get an answer today, that would be great.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; [REDACTED]; Fax: (202) 619-7302

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----- Forwarded by William Line/NCR/NPS on 12/06/2011 01:45 PM -----



Lydia DePillis

<ldepillis@washingtontypaper.com>

12/06/2011 11:25 AM

To william_line@nps.gov

cc

Subject Question about building codes in National Parks

Hi Bill,

In light of this weekend's events at McPherson Square, I'd like to know: What building code applies in National Parks? D.C.'s regulations do not apply, but someone's must.

I'd like to know by the end of the day if possible.

Thanks very much,

Lydia

--

Staff Writer / Washington City Paper

(c) 206-399-5876 / (o) 202-650-6928 / @housingcomplex

<http://www.washingtontypaper.com/blogs/housingcomplex/>



William Line/NCR/NPS

12/06/2011 05:38 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS

cc Steve_Whitesell@nps.gov

bcc

Subject Re: Fw: Question about building codes in National Parks

Lisa:

Will do. You'd be surprised at the number of staff who've responded, and much of it is "all over the map," so to speak.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; ; Fax: (202) 619-7302

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<http://www.flickr.com/photos/gwnppublicaffairs>

Lisa Mendelson-Ielmini

Bill, I'd suggest you coordinate response w/...

12/06/2011 03:45:08 PM



Lisa

Mendelson-Ielmini/NCR/NPS

12/06/2011 03:48 PM

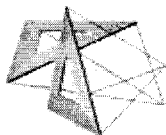
To William_Line@nps.gov

cc Steve_Whitesell@nps.gov

Subject Fw: Question about building codes in National Parks

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 12/06/2011 03:47 PM -----



Stanley A Briscoe/NCR/NPS

12/06/2011 03:39 PM

To William Line/NCR/NPS@NPS

cc Carol B Johnson/NACC/NPS@NPS, Doug
Jacobs/NCR/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Philip
Selleck/NCR/NPS@NPS, Sean
Kennealy/NACC/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS

Subject Re: Fw: Question about building codes in National Parks



"International Building Code" in general but there are other codes and standards that also apply; National Fire Protection Association's "Life safety Code", "Architectural Barriers Act Accessibility Standards" and in certain areas the local jurisdiction has some authority given to them by Congress / GSA: water distribution systems. Also, from time to time in the past we have invited D.C. inspectors to inspect certain facilities on NPS land in D.C. and I know there are NPS sanitation regs. that apply.

Stan

Stanley A. Briscoe
Chief, Design Services Division
Architect / Regional Accessibility Coordinator
Acting, Regional Dam Safety / Flood Coordinator
National Capital Region / National Park Service
(202) 619-6391

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William Line Everyone: Per the question raised below, does a...

12/06/2011 02:05:14 PM



William Line/NCR/NPS
12/06/2011 02:05 PM

To Doug Jacobs/NCR/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Philip
Selleck/NCR/NPS@NPS, Sean
Kennealy/NACC/NPS@NPS, Stanley A
Briscoe/NCR/NPS@NPS, Carol B
Johnson/NACC/NPS@NPS
cc Steve Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS
Subject Fw: Question about building codes in National Parks

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If we can get an answer today, that would be great.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer
National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, D.C. 20242
Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: [REDACTED] Fax: (202) 619-7302

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----- Forwarded by William Line/NCR/NPS on 12/06/2011 01:45 PM -----



Lydia DePillis
<ldepillis@washingtontypaper.com>

12/06/2011 11:25 AM

To william_line@nps.gov

cc

Subject Question about building codes in National Parks

Hi Bill,

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I'd like to know by the end of the day if possible.

Thanks very much,

Lydia

--

Staff Writer / Washington City Paper

(c) 206-399-5876 / (o) 202-650-6928 / @housingcomplex

<http://www.washingtontypaper.com/blogs/housingcomplex/>



Steve Whitesell/WASO/NPS

12/08/2011 10:53 AM

To Judy Bowman/NCR/NPS@NPS

cc Lisa_Mendelson-ielmini@nps.gov

bcc

Subject Fw: Occupy DC call/meeting on Mondays at 4:30pm

Please block out on my calendar. Lisa's attendance is voluntary.

Steve Whitesell
National Park Service
Regional Director
National Capital Region

----- Forwarded by Steve Whitesell/WASO/NPS on 12/08/2011 10:52 AM -----



Claire Rozdilski/WASO/NPS

12/08/2011 09:32 AM

To RANDOLPH_MYERS@sol.doi.gov, Teresa

Chambers/USPP/NPS@NPS, Steve

Whitesell/WASO/NPS@NPS, Bob Vogel/NAMA/NPS@NPS,

Polly_Hanson@ios.doi.gov, ROBERT_EATON@sol.doi.gov,

Maureen Foster/WASO/NPS@NPS, Alexa Viets/ROCR/NPS

cc Pamela Blyth/USPP/NPS@NPS, Judy

Bowman/NCR/NPS@NPS, Tasha

Robbins/WASO/NPS@NPS, Tonya

Thomas/NACC/NPS@NPS

Subject Occupy DC call/meeting on Mondays at 4:30pm

Good morning,

I believe after Monday's meeting, it was agreed that everyone would meet weekly on Mondays at 4:30pm, either in person or on a conference call.

I have reserved the Director's conference room for this, Room 3121.

If you are calling in, please use this call-in number:

866-767-0316

Passcode: 9312232

Please pass this on to anyone who needs to be included and I missed in this email.

Best,
Claire

Claire C. Rozdilski
National Park Service
Staff Assistant to the Deputy Director, Operations
1849 C Street NW
Washington, DC 20240
202-208-3818(Office)

202-208-7889 (Fax)



William Line/NCR/NPS

12/12/2011 03:19 PM

To David Barna/WASO/NPS@NPS

cc Sue Waldron/WASO/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS

bcc

Subject Fw: Occupy DC

Dave:

Thanks for taking my call. Please see the email below from WPost reporter Annie Gowen. Gowen called me and asked to speak to "whoever is making all the decisions about Occupy DC and we want to talk to as high up the ladder or as low down the ladder as to who or which persons are making the decisions about Occupy DC." Gowen directly mentioned Jon Jarvis' name, directly mentioned Secretary Salazar's name, and directly mentioned U.S. Park Police Chief Teresa Chambers' name. As you can see, Gowen wants to talk this week, as she is writing for next Sunday.

Also please note that Gowen is working closely with WPost reporter Tim Craig, who filed a Freedom of Information (FOIA) Request today, asking for copies of emails and other correspondence between Steve Whitesell, Bob Vogel (NAMA), Ann Bowman Smith (Presidents Park) and me on the issue of Occupy DC. Craig asked for both Expedited Processing of the Request AND for a Request for a Fee Waiver in regard to his FOIA.

Please let me know if you have any questions.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; [REDACTED] Fax: (202) 619-7302

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----- Forwarded by William Line/NCR/NPS on 12/12/2011 03:12 PM -----



Annie Gowen

<gowena@washpost.com>

12/12/2011 02:23 PM

To william_line@nps.gov

cc

Subject Occupy DC

Mr. Line:

Thanks for all your help today. As we discussed, I am working on a story for Sunday's paper about the

future of the Occupy encampments in D.C. We're hoping to speak to someone within your agency who is overseeing the matter to discuss how long they will be allowed to stay, if there have been any significant problems with either encampment and other issues. As I said, I'm available this week for any interviews you may be able to arrange.

Thanks.

Annie
Annie Gowen
Reporter, Wealth Class & Income
The Washington Post
O(202) 334-9599
C(202) 621 3315



William Line/NCR/NPS

12/12/2011 06:31 PM

To randoph.myers@sol.doi.gov

cc Steve Whitesell/WASO/NPS@NPS, Lisa Mendelson-Ielmini/NCR/NPS@NPS, Judy Bowman/NCR/NPS@NPS, Bob Vogel/NAMA/NPS@NPS,

bcc

Subject Fw: NEW FOIA REQUEST -- Please read thoroughly; many of you (and me) are directly mentioned in this FOIA request from the Washington Post

Randy:

Please see a new, incoming FOIA letter from Washington Post reporter Tim Craig. Craig has asked both a **Request for Expedited Processing** and a **Request for a Fee Waiver** regarding this FOIA request.

[REDACTED] If you could please respond to all, with your reply, that would be most appreciated.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: [REDACTED] Fax: (202) 619-7302

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<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by William Line/NCR/NPS on 12/12/2011 06:23 PM -----



William Line/NCR/NPS

12/12/2011 03:08 PM

To Steve Whitesell/WASO/NPS, Lisa Mendelson-Ielmini/NCR/NPS, Judy Bowman/NCR/NPS, Bob Vogel/NAMA/NPS, Carol B Johnson/NACC/NPS, Tonya Thomas/NACC/NPS, Ann Bowman Smith/NCR/NPS, John Stanwich/WHVIS/NPS, David Krause/NCR/NPS

cc Margie Ortiz/NCR/NPS@NPS

Subject NEW FOIA REQUEST -- Please read thoroughly; many of you (and me) are directly mentioned in this FOIA request from the Washington Post

Everyone:

Please see the Freedom of Information Act (FOIA) request received about 45 minutes ago from Washington Post reporter Tim Craig. Please note the FOIA request mentions four of us directly (I've increased the font size to bring this to your attention. Please note that despite the fact Craig is asking for "any and all emails or other electronic communication" this is to be broadly defined as any documents you (or I) may have on this subject matter.

PLEASE also note there are **TWO** requests that Tim Craig asks for that we **MUST** respond to. These are:

1) **Request for Expedited Processing.** The Regulations to be relied upon when making a decision to grant or deny a **Request for Expedited Processing** are whether the requester has the ability and the proven history of helping to "significantly contribute to the public understanding of the operations and activities of the federal government." While we certainly can have a discussion with one of the Solicitors, I would strongly suggest (and would expect the Solicitors to say the same) that we go ahead and **grant the Request for a Fee Waiver**, as the Washington Post certainly has a long history of "significantly contribut[ing] to the public understanding of the operations and activities of the government." When granting a **Request for Expedited Processing**, that means we all must move "with all deliberate speed" to find/search/locate responsive documents to this request and to release those responsive documents to the requester as soon as we possibly can. Said differently, the FOIA says we must respond within 20 working days of the receipt of a FOIA request. When **granting a Request for Expedited Processing**, we need to move **quicker, faster** than the 20 working day deadline.

2) **Request for a Fee Waiver.** The Regulations to be relied upon when making a decision to grant or deny a **Request for Expedited Processing** are similar to those to be consulted when making a decision about granting or denying a **Request for Expedited Processing**. The commercial interest or the commercial status of any requester is irrelevant in determining a **Request for a Fee Waiver**. Again the Regulations direct the agency to make a determination as to whether "the requester has the ability to **broadly** disseminate information that will increase the public's understanding of the operations and activities of the federal government." Federal Courts have said that websites or blogs are NOT sufficient to meet the "broadly disseminate information" when making a decision on granting or denying a **Request for a Fee Waiver**. Again, we certainly can talk to the Solicitors, but my recommendation would be to grant the **Request for a Fee Waiver**. And, I would suspect the Solicitors would recommend the same.

William Line
National Park Service, National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242
202-619-7177
Fax: 202-619-7302

Dear Mr. Line.

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, for access to and copies of the following records:

1) Any and all emails or other electronic communication to or from **Steve Whitesell**, regional director, National Park Service, between October 1 2011 and December 15 2011 containing the words "McPherson Square" and/or "Occupy DC" and/or "Occupy Wall Street" and/or "protesters."

2) Any and all emails or other electronic communication to or from **Bob Vogel**, Superintendent, National Mall and Memorial Parks, between October 1 2011 and December

15 2001 containing the words "McPherson Square" and/or "Occupy DC" and/or "Occupy Wall Street" and/or "protesters."

3) Any and all emails or other electronic communication to or from **Ann B. Smith**, National Park Service liaison to the White House, White House President's Park, between October 1 2011 and December 15 2011 containing the words "McPherson Square" and/or "Occupy DC" and/or "Occupy Wall Street" and/or "protesters."

4) Any and all emails or other electronic communication to or from **Line**, associate regional director for communication and tourism, National Park Service, between October 1 2011 and December 15 2011, containing the words "McPherson Square" and/or "Occupy DC" and/or "Occupy Wall Street" and/or "protesters."

If you regard any of these records as exempt from disclosure under the Act, I hereby request that you exercise your discretion to disclose them (unless otherwise prohibited from doing so). If you deny this request in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act, and that you provide all non-exempt portions that are reasonably segregable.

I further request that you disclose the listed documents, **as they become available to you**, without waiting until all the documents have been assembled.

If expedited processing is sought include the following paragraph, if not, DELETE

*I further **request expedited processing** of this request for records. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about [insert general brief description of the government activity involved] because [insert language establishing the need for bringing information on this subject matter to the public's attention now. For example, the need may involve an impending decision to which informed members of the public might contribute through lobbying or other contacts with public officials and in these instances delay would deprive the public of its ability to make known its views in a timely manner. Another need could be that possible questions exist about the government's integrity which could affect public confidence]. I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.*

PLEASE NOTE: If your request is to the Department of Justice or any of its components such as the FBI or the INS your request for expedited processing must be sent in a separate letter addressed to the Director of Public Affairs, U.S. Department of Justice, Room 1128, 950 Pennsylvania Avenue, N.W., Washington D.C. 20530-0001. A sample letter is located on The Source.

I am making this request on behalf of The Washington Post, a newspaper of general circulation in the Washington, D.C. metropolitan area. The records disclosed pursuant to this request will be used in the preparation of news articles for dissemination to the public. For purposes of

FOIA **fee assessments**, I request that you **waive all fees** in the public

interest. The furnishing of the information sought by this request is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. If, however, you **decline to waive all fees**, I am prepared to pay your normal fees for news media requesters. Please notify me if you expect the processing fees to exceed \$100.

I would appreciate your communicating with me by telephone or e-mail, rather than mail, if you have questions regarding this request. As the FOIA requires, I look forward to your response within the twenty (20) working days.

Sincerely,
/s/ Tim Craig

Please let me know if you have any questions about this FOIA request. In short, we need to begin the search/review/"look for" process immediately.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: [REDACTED] Fax: (202) 619-7302

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<http://www.flickr.com/photos/gwnppublicaffairs>



David Kamperin
<davidk@downtowndc.org>
10/17/2011 02:32 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>
cc "Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>
bcc
Subject FW: Freedom Plaza and McPherson Sq Encampments

Please see attached as an fyi, not sure if you're aware of this group.



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Call the Metropolitan Police Department at **(202) 727-9099** or email at SAR@DC.GOV to report suspicious activity or behavior that has already occurred.

Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.gov/operationtipp>

From: AD- Justin King [mailto:jking@admiralsecurity.com]
Sent: Monday, October 17, 2011 11:35 AM
To: David Kamperin
Cc: Stein, Janet
Subject: RE: Freedom Plaza and McPherson Sq Encampments

David,

I am not sure if you have seen this group yet on Freedom Plaza. They do not appear to be apart of the Freedom Plaza Protestors. They are on the West side of the Plaza with a couch set up. I ran into John Ward of your Homeless Outreach team and he stated that he did not believe that they were apart of the protestor either, they are definitely not homeless. I would think Park Police may want to keep an eye on these individuals.

Justin K. King
Director of Security
Admiral Security
529 14th Street NW,
Washington D.C. 20045
Cell: 301.366.5631
Office: 202.662.7029

Fax: 202.662.1212

Email: jking@admiralsecurity.com

From: David Kamperin [mailto:davidk@downtowndc.org]

Sent: Fri 14-Oct-11 17:04

To: AD- Justin King

Cc: Stein, Janet

Subject: Re: Freedom Plaza and McPherson Sq Encampments

Thanks for the photos I had those and when we met with EOM and The COP yesterday we discussed these and of course with the propane all had concerns.

The meeting with NPS is set for us, them and of course their attorneys - we're taking a broad approach, not only what's currently happening but what is their stance on future encampments, to include homeless that we worked hard on addressing. Of course USPP will be at our Weds meeting but I'm going to ask NPS to be present to discuss their reasoning and address concerns about these encampments- whether or not they accept is anyone's guess.

David Kamperin
Director
Public Space Management
Downtown DC BID

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To learn more, visit
www.mppdc.dc.gov/operationtipp.

On Oct 14, 2011, at 4:55 PM, "AD- Justin King" <jking@admiralsecurity.com> wrote:

> Good Evening David,
>
> I appreciate the assistance you have provided so far regarding the issues that have arisen. I have attached the pictures that Janet was speaking of in her email regarding the use of propane tanks on city property. They are the same ones that I sent earlier in the week.
>
> I do have one question. The meeting with NPS scheduled for Monday, is that a private meeting between the BID and NPS or are property/security managers from the area invited?
>
> If not I look forward to seeing you at the Monthly BID Meeting on Wednesday.
>
> Also could you add me to your distribution list. I would greatly appreciate it.
>
> Thanks.
>
> Justin K. King.
> Director of Security

> Admiral Security
> 529 14th Street NW,
> Washington D.C. 20045
> Cell: 301.366.5631
> Office: 202.662.7029
> Fax: 202.662.1212
> Email: <<mailto:jking@admiralsecurity.com>> jking@admiralsecurity.com<<mailto:jking@admiralsecurity.com>>

>
>
>
>
> From: Stein, Janet [<mailto:JSTEIN@quad1.com>]
> Sent: Fri 14-Oct-11 16:43
> To: David Kamperin
> Cc: AD- Justin King; Wojciech, Ernie
> Subject: RE: Freedom Plaza and McPherson Sq Encampments

> Good afternoon David –

>
> Thank you very much for reaching out to us. Our team manages National Place – 1331 Pennsylvania Avenue, 1325 Pennsylvania Avenue, the National Theatre and 1301 Pennsylvania Avenue. While we greatly respect the right to assemble, we do have a few photos that I'd like our Director of Security to share with you (via separate e-mail). These photos illustrate clear safety concerns. In addition to the obvious safety concerns, we continue to remain concerned about the practice of congregating on private property during inclement weather; lack of cooperation in moving to alternate locations and use of public areas as a restroom facility.

> Thus, we look forward to receipt of any update you can provide.

> Kind regards.

>
>
> Janet Stein
> Assistant Vice President
> QDC Property Management, Inc
> QDC Property Management, LLC
> Direct Dial: 202.662.1205
> Main: 202.662.1200/202.662.7000
> Fax: 202.662.1212
> E-Mail: jstein@quad1.com<<mailto:jstein@quad1.com>>

>
>
> From: David Kamperin [<mailto:davidk@downtowndc.org>]
> Sent: Friday, October 14, 2011 3:14 PM
> To: 1425k@blakereal.com; akodithuwakku@axentrealty.com; bob.reisteter@hines.com; Catherine.Smolka@cassidyurley.com; cbrooks@shorenstein.com; cjackson@vno.com; constance.robinson@am.jll.com; ernie.wojciech@marriott.com; Ginap@gaedeke.com; greg.brown@hilton.com; hyawberg@kff.org; jcollier@lpc.com; jlee@vno.com ; joakley@akridge.com; Stein, Janet; kbrokaw@akridge.com; kguy@vno.com; krozek@carrprop.com; lmcnulty@bostonproperties.com ; mlynch@akridge.com; sarah.garodz@ihg.com; ssmith@bostonproperties.com; teresa.eley@cbre.com; vatkinson@shorenstein.com; vdambrosia@tscrealty.com; walsh@sentinelcorp.com
> Subject: Freedom Plaza and McPherson Sq Encampments

> If you received this already, I apologize for the duplication- I have created a new distribution list for those specifically within these areas so that future updates can quickly be put out to each of you. If you're on the list and

do not wish to receive future information about the encampments please just reply back with Remove as subject line. Thank-you.

>

> To: Managers of Property in the Vicinity of Freedom Plaza and McPherson Square:

>

> The Downtown Business Improvement District is briefing you on the latest information surrounding the encampments at Freedom Plaza (13th St and Pennsylvania Avenue) and McPherson Square (15th K Streets NW).

>

> NPS has issued a permit to "Stop the Machine" to use Freedom Plaza. They have not issued a permit for "Occupy DC" to use McPherson Square.

>

> Downtown BID Executive Director Richard H. Bradley has contacted officials at the National Park Service, which controls Freedom Plaza and McPherson Square, and DC Government, expressing concern and urging them to closely monitor activities in the parks. While the Downtown BID recognizes First Amendment rights, we question NPS allowing overnight stays, structures to be erected in the parks and cooking using flammable materials. In addition, the Downtown BID is requesting that Park Police be assigned to secure the parks 24/7, parks maintenance crews be deployed regularly and parks funding be secured to repair damage to the parks.

>

> The Downtown BID is deploying Downtown SAMs to assist with maintenance and public safety.

>

> Should you need to report any activity:

>

> For emergencies: Call 911

>

> For other police related matters in Freedom Plaza or McPherson Square: US Park Police, Central District 202-426-6710

>

> To register complaints with the National Park Service: Call National Mall and Memorial Parks headquarters at 202-485-9880 and/or email districtofcolumbia@nps.gov <<mailto:districtofcolumbia@nps.gov>>

>

> Please feel free to copy me with your comments.

>

> Finally, check back often on our website www.downtowndc.org <<http://www.downtowndc.org>> as information regarding these protests will be updated

>

> Update 10/14-

>

> We meet with the Mayor's Chief of Staff, Chief Lanier (MPD), Commander Sund (MPD-SOD) and Paul Quander, DM for Public Safety yesterday. They were supportive of our efforts and indicated they would work with us as we pursue the issue with NPS.

>

> We have a meeting set for Monday, October 17th with NPS to discuss these issues and current conditions.

>

>

>

> [image001.jpg]

>

>

> Preventing terrorism is everybody's business.

> If you SEE something, SAY something.

> Call the Metropolitan Police Department at (202) 727-9099 or email at SAR@DC.GOV to report suspicious activity or behavior that has already occurred.

> Call 911 to report in-progress threats or emergencies.

>

> To learn more, visit <http://www.mpd.dc.gov/operationtipp>

>

> <image001.jpg>

> <IMG00013-20111010-0926.jpg>



> <IMG00014-20111010-0930.jpg> Freedom Plaza Couch (A).jpg



David Kamperin
<davidk@downtowndc.org>
10/18/2011 01:13 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
"steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>,
cc Rick Reinhard <reinhard@downtowndc.org>, Richard
Bradley <bradley@downtowndc.org>

bcc

Subject McPherson Sq

Superintendent Vogel;

Again thank you and your staff for your time and attention to the issues at both Freedom Plaza and McPherson. Today I was up at McPherson and noticed it has grown since I last visited and expanded from the N/W corner to not only the N/E side but now takes up approximately the greater part of half of the space. It appears that the fenced area around the statue has two primary usages- dog walking and child play area. Unfortunately today I had the displeasure of watching a dog go to the bathroom in that area without being picked up. I also noticed about 2 dozen large black (30 gallon type) trash bags propped around tree spaces in the park. At the "kitchen" area they were cleaning dishes and pots and then pouring the dirty water and contents around trees near the west side of the park by the sidewalk. Also stacked is a quantity of boards and wood kindling which appear to be ready and collected for future fires or even readily available as weapons should there come an enforcement campaign. Lastly, and most disturbing was the presence of at least 3 1 ½ gallon gas tanks (apparently filled with a flammable material of sort as they were pouring one in a generator). Although of these observations are disturbing, the last one is the most troubling as it has the potential to have adverse impact on general public safety (I have attached photos of the trash bags, wood pile and gas containers for your records).

Also, there was a mention of an updates superintendent general email account that was being created that we could provide to our property managers- is that available?

Finally, are there any updates from your meeting yesterday that you can share with us?

Thanks for your attention to these matters-

Dave



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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McPherson-trash1.jpg McPherson-gas-wood1.jpg







David Kamperin
<davidk@downtowndc.org>
10/19/2011 04:20 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
cc Richard Bradley <bradley@downtowndc.org>, Rick Reinhard
<reinhard@downtowndc.org>, "christopher.murphy@dc.gov"
<christopher.murphy@dc.gov>, Karyn LeBlanc
bcc

Subject FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.



Downtown DC
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1250 H Street, NW
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www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

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davidk@downtowndc.org

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From: Blake Holub

Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had

expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org



Storage_Tent_10-19-11.JPG



Excessive Trash 10-19-11.JPG



Generator_2 10-19-11.JPG



occupy_dc_10_19_11.JPG



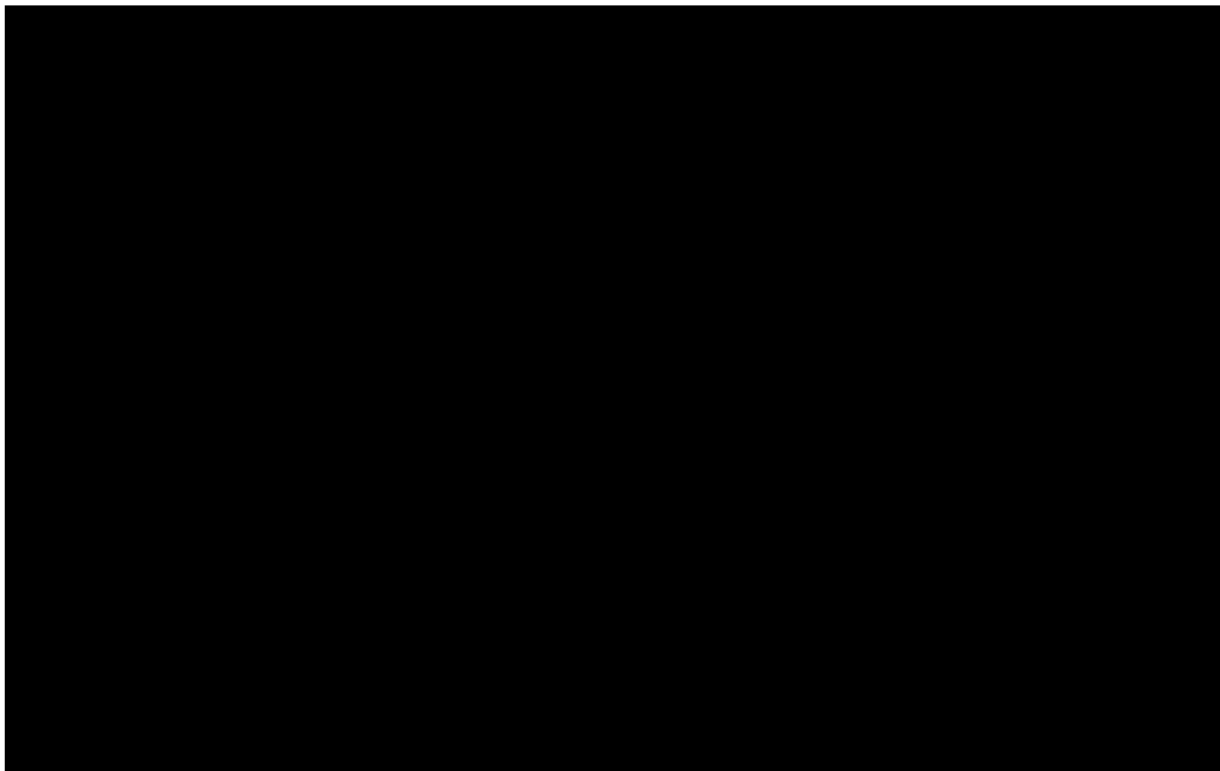
ODC_generator.JPG





Bob Vogel
<bob_vogel@nps.gov>
10/20/2011 10:14 AM

To "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>
cc
bcc
Subject Re: Attorney-Client Privileged: Occupy DC - McPherson
Square -- NAMA Regular Trash Removal



>
>
> Randolph J. Myers
> U.S. Department of the Interior, Office of the Solicitor
> DPW Branch of National Parks
> 1849 C Street, NW, Room 5320
> Washington, D.C. 20240
> w (202) 208-4338 fax (202) 208-3877
> Randolph.Myers@sol.doi.gov
>

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>

> -----Original Message-----

> From: Robert_MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]

> Sent: Wednesday, October 19, 2011 4:40 PM

> To: Myers, Randolph

> Cc: Smith, Patrick C.; Harasek, Kathleen; Guddemi, Charlie
> Subject: Fw: Occupy DC Update - McPherson Square

> Randy,

> More pressure from the community.

> Major Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
> (202) 619-7085 - Office
> [REDACTED]
> robert_maclean@nps.gov - Email

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> ----- Forwarded by Robert MacLean/USPP/NPS on 10/19/2011 04:39 PM -----

> Teresa
> Chambers/USPP/NPS

> 10/19/2011 04:34
> PM

To
"Robert MacLean"
<Robert_MacLean@nps.gov>, "Patrick
Smith" <Patrick_Smith@nps.gov>

cc

Subject
Fw: Occupy DC Update - McPherson
Square

> Things are heating up . . .
> Teresa Chambers, Chief
> United States Park Police
> Work: 202-619-7350
> [REDACTED]

> From: David Kamperin [davidk@downtowndc.org]
> Sent: 10/19/2011 08:20 PM GMT
> To: Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Kathleen Harasek; Teresa

Chambers; "kevin_hay@nps.gov" <kevin_hay@nps.gov>
 > Cc: Richard Bradley <bradley@downtowndc.org>; Rick Reinhard
 <reinhard@downtowndc.org>; "christopher.murphy@dc.gov"
 > <christopher.murphy@dc.gov>; Karyn LeBlanc <karyn@downtowndc.org>
 > Subject: FW: Occupy DC Update - McPherson Square
 >
 >
 >
 > Superintendent Vogel
 > Please see attached the photos taken today of conditions at McPherson.
 > Again troubling is the flammable material being stored on site (notice close
 proximity of one of the generators to the sidewalk) and the cooking.
 > Also disturbing is the recent stacking of lumber and wood for either use for
 a bonfire or weapons against law enforcement. The trash continues to pile up
 within the park and then are removed by the occupants and dumped on the public
 sidewalks. Recent new rat infestation borrowing has been observed in nearby
 tree box spaces. As the email below indicates the unhealthy and unsanitary
 conditions continue as food is dumped as compost, dogs run free throughout the
 park and children (observed in one of the
 > photos) also play where they go to the bathroom.
 >
 > We look forward to a more proactive response - to include increased trash
 pick ups and enforcement of these severe public safety issues.
 >
 >
 >
 > (Embedded image moved to file: pic19882.jpg)
 >
 > Preventing terrorism is everybody's business.
 > If you SEE something, SAY something.
 > Call the Metropolitan Police Department at (202) 727-9099 or email at
 SAR@DC.GOV to report suspicious activity or behavior that has already
 occurred.
 > Call 911 to report in-progress threats or emergencies.
 > To learn more, visit <http://www.mpdc.dc.gov/operationtipp>
 >
 > From: Blake Holub
 > Sent: Wednesday, October 19, 2011 4:04 PM
 > To: David Kamperin
 > Cc: Kenneth Gregory
 > Subject: Occupy DC Update - McPherson Square
 >
 > Dave,
 >
 > As we had discussed earlier, Kenny and I visited the Occupy DC site today.
 > We noted that the site had expanded since Monday, roughly totaling 125-150
 people with nearly 40 tents. The park grounds themselves look to be in poor
 to dire condition due to all of the activity. Also, the demonstration has two
 working generators which they seem to be rotating out. They also have a
 storage tent which looks like a quasi-pantry for demonstrators to receive
 rations. Additionally, the smell was quite putrid when we walked through the
 encampment which most likely stems from the lack of sanitary conditions and
 the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on
 the corner of K and 15th St. I have also attached photos for your viewing.
 >
 > Let me know if you have any questions or comments. Thanks!
 >
 > Blake Holub, MPA
 > Quality Control Manager
 > Public Space Management

> Downtown DC BID
> 1250 H Street, NW Suite 1000
> Washington, DC 20005
> Desk: (202) 661-7571
> Fax: (202) 661-7599
> Email: blake@downtowndc.org
> (See attached file: Storage_Tent_10-19-11.JPG) (See attached file:
> Excessive Trash 10-19-11.JPG) (See attached file: Generator_2 10-19-11.JPG)
> (See attached file: occupy_dc_10_19_11.JPG) (See attached file:
> ODC_generator.JPG)



Richard Bradley
<bradley@downtowndc.org>

10/19/2011 08:05 PM

To: David Kamperin <davidk@downtowndc.org>, "bob_vogel@nps.gov" <bob_vogel@nps.gov>, "steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>, cc: Rick Reinhard <reinhard@downtowndc.org>, "christopher.murphy@dc.gov" <christopher.murphy@dc.gov>, Karyn LeBlanc

bcc

Subject: RE: Occupy DC Update - McPherson Square

Hi Bob,

We welcomed the chance to meet on Monday and get a chance to understand the present situation and the context in which you are working. We expressed our frustration about the lack of communication with us in advance of the emergence of these encampments in downtown. We have assumed we were moving toward and improvement in at least this aspect of the situation. But Dave reached out to you yesterday and I tried to reach Steve today. Is there a any way we can get this matter improved while we hope we are moving toward a remedy for the present safety and sanitation concerns?

Rich

From: David Kamperin

Sent: Wednesday, October 19, 2011 4:20 PM

To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov; Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov

Cc: Richard Bradley; Rick Reinhard; christopher.murphy@dc.gov; Karyn LeBlanc

Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square

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Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org



David Kamperin
<davidk@downtowndc.org>
10/20/2011 04:28 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"teresa_chambers@nps.gov" <teresa_chambers@nps.gov>,
"Kathleen_Harasek@nps.gov"
cc Richard Bradley <bradley@downtowndc.org>,
"christopher.murphy@dc.gov"
<christopher.murphy@dc.gov>, "paul.quander@dc.gov"
bcc

Subject McPherson Sq

Photos are from a property manager near McPherson.. Most disturbing is the wood pallets, trash and propane stove on top of it ... also the child is still in the park and now a compost bin and makeshift recycling center.



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David K. Kamperin
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davidk@downtowndc.org

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McPherson recycling area1 10-20-11.jpg



McPherson-trash- gas grill 110-20-11.jpg



McPherson-same child as last week -returns to living in park1 10-20-11.jpg









David Kamperin
<davidk@downtowndc.org>
10/21/2011 06:37 AM

To Robert Vogel <bob_vogel@nps.gov>, Steve Lorenzetti
<steve_lorenzetti@nps.gov>, Karen Cucurullo
<karen_cucurullo@nps.gov>
cc Kathleen_Harasek <Kathleen_Harasek@nps.gov>,
"Jerry_Marshall@nps.gov" <Jerry_Marshall@nps.gov>
bcc

Subject Post Article -McPherson

<http://link.email.washingtonpost.com/r/JDFA9Q/S3OSNY/GJHNFH/QX33WG/IW3RT/GX/h>

David Kamperin
Director
Public Space Management
Downtown DC BID

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Richard Bradley
<bradley@downtowndc.org>

10/21/2011 10:39 AM

To "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>
cc "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>,
Rick Reinhard <reinhard@downtowndc.org>, Everett
Scruggs <everett@downtowndc.org>, David Kamperin
bcc

Subject Trash Pickups at the Encampments

History:

📧 This message has been forwarded.

Hi Bob,

Thanks for the chance to chat last night. I appreciated the chance to get an update on the deliberations going on at NPS.

I did want to follow up on the matter of trash pickups. Last night we observed 15-20 bags of trash on the corners of McPherson at 10:30 PM. I am sure this is consequence of dinner activities. It seems we need to arrange for several pickups during the day as well as the evening. What is the planned pickup schedule. We can supplement but need to know how often you are coming through.

What are the plans for this weekend? We will probably get weekend warriors joining in. Can we make sure Franklin is covered as well?

Thanks.

Rich



Richard Bradley
<bradley@downtowndc.org>
10/21/2011 11:04 AM

To "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>,
"Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>
cc
bcc
Subject FW: Trash and Sanitation Report

History: This message has been replied to and forwarded.

I wanted to forward this recent report. I think the sanitation matters are now spreading. Any plans in this regard?

From: Everett Scruggs
Sent: Friday, October 21, 2011 10:57 AM
To: Richard Bradley; Rick Reinhard; David Kamperin; Blake Holub
Subject: RE: Trash at Freedom Plaza, McPherson Square

I have Ron in discussion again with the workabee level of NPS...with hopes of developing a workin schedule for trash pick up as now it is haphazard at best...I just received a request this morning from McPherson Square for blue bags to use for their recycling...I got them on hold as I think we need to be clear on our stance in terms of our support for these encampments....ie... as Rick asked....Do we intentional draw back to support the point that they cannot adequately sustain themselves or do we take up the mantle in conjunction with NPS to support their shortcomings...Yesterday, I also received reports that there is abnormal amount of human feces behind the wall at McPherson square metro (no portal potties @ McPherson).... And observance of more dog feces around tree boxes...I am meeting Ron as we speak @ McPherson and putting my eyes on these issues as well as the ones at Freedom Plaza..... I'll get back to all on my thoughts later this pm....

From: Richard Bradley
Sent: Friday, October 21, 2011 10:13 AM
To: Rick Reinhard; David Kamperin; Everett Scruggs; Blake Holub
Subject: RE: Trash at Freedom Plaza, McPherson Square

When I spoke to Bob Vogel, the Superintendent last evening he indicated that he expected the NPS would step up this part of their responsibility. But at the same time David tells me that when Ron called Sean, Sean hadn't gotten the word. Can we call Sean again and see what his pick up plans are. I will follow up with Bob Vogel. We should also be picking up "on occasion" but not replacing their responsibility. Let's see if we can line of communication open for this weekend as well.

Rich

From: Rick Reinhard
Sent: Friday, October 21, 2011 9:41 AM
To: David Kamperin; Everett Scruggs; Richard Bradley; Blake Holub
Subject: Trash at Freedom Plaza, McPherson Square

What is our stance on removing trash bags from the encampment areas near Freedom Plaza and McPherson Square? What should it be?

Last night at 1030pm, there were 15-20 large plastic bags full of trash at the northeast corner of McPherson Square. Are we focusing our efforts on having the Downtown SAMs remove the trash? Are

we coordinating with NPS and DPW to ask them to remove the trash? Are we willfully ignoring the trash in hopes that it piles up so we can complain?

Thanks for the clarification.



Bob Vogel/NAMA/NPS
10/21/2011 04:10 PM

To "Steve Lorenzetti" <Steve_Lorenzetti@nps.gov>, "Karen Cucurullo" <karen_cucurullo@nps.gov>
cc
bcc
Subject Fw: Trash Pickups at the Encampments

From: Richard Bradley [bradley@downtowndc.org]
Sent: 10/21/2011 02:39 PM GMT
To: Bob Vogel
Cc: Karen Cucurullo; Rick Reinhard <reinhard@downtowndc.org>; Everett Scruggs <everett@downtowndc.org>; David Kamperin <davidk@downtowndc.org>
Subject: Trash Pickups at the Encampments

Hi Bob,

Thanks for the chance to chat last night. I appreciated the chance to get an update on the deliberations going on at NPS.

I did want to follow up on the matter of trash pickups. Last night we observed 15-20 bags of trash on the corners of McPherson at 10:30 PM. I am sure this is consequence of dinner activities. It seems we need to arrange for several pickups during the day as well as the evening. What is the planned pickup schedule. We can supplement but need to know how often you are coming through.

What are the plans for this weekend? We will probably get weekend warriors joining in. Can we make sure Franklin is covered as well?

Thanks.

Rich



Bob Vogel/NAMA/NPS
10/21/2011 04:12 PM

To "Steve Lorenzetti" <steve_lorenzetti@nps.gov>, "Karen Cucurullo" <karen_cucurullo@nps.gov>
cc
bcc
Subject Fw: Occupy DC - Update

Fyi

From: David Kamperin [davidk@downtowndc.org]
Sent: 10/21/2011 06:34 PM GMT
To: Bob Vogel; Steve Lorenzetti; Karen Cucurullo
Cc: Kathleen Harasek; Jerry Marshall; Teresa Chambers
Subject: FW: Occupy DC - Update

Superintendent Vogel

I want to provide you, on a regular basis, information we are seeing at the locations. This is intended for informational purposes only to assist you in updates.

Dave



Downtown DC
Business Improvement District
1250 H Street, NW
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www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
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From: Blake Holub
Sent: Thursday, October 20, 2011 4:37 PM
To: David Kamperin
Cc: Kenneth Gregory
Subject: Occupy DC - Update

Dave,

I walked down to McPherson Square just awhile ago to monitor the area. It is very much the same environment as yesterday, other than a few things. The trash accumulation at the corner of 15th and K St remains steady. Also, the movement seems to have expanded adding roughly ten new tents. The total count was at about 45 all together, including a medic, pantry, and communal tent. As of now there is only one small section of McPherson which is not occupied by demonstrators. I would also estimate that the total count of people in that park is near 150 to 160. I have attached photos, and will be placing all of the demonstration pics in a share drive folder.

In regards to Freedom Plaza, the movement looked very frail and small compared to "Occupy DC." Although occupancy-wise there are probably 35 tents or so, there are far fewer people demonstrating in this area probably near 60 or so. Additionally, I noted that trash and debris is littering the bushes along the north side of Pennsylvania Ave. Lastly, there are port-a-jons for the demonstrators, six to be exact, for them to use.

One thing to be concerned about, especially in regard to McPherson Square is the capacity level. It won't take too much longer before the entire park is amassed with protestors. Once this occurs we will most likely see this movement move towards another park, possibly Franklin. I'm sure this has come up in your meetings with NPS and USPP, but it's just something to think about moving forward.

If you have any questions or comments please feel free to let me know. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org



FP_Trash Accumulation 10-20-11.jpg



FP_Trash_Debri 10-20-11.jpg



FP_Trash_Debri 10-20-11_2.jpg



Freedom Plaza 10-20-11.jpg



Occupy DC 10-20-11.jpg



Occupy DC 10-20-11_2.jpg



Occupy DC Trash 10-20-11.jpg



McPherson-trash- gas grill 110-20-11.jpg



McPherson recycling area1 10-20-11.jpg



McPherson-gas-wood1.jpg





















Bob Vogel/NAMA/NPS
10/21/2011 07:44 PM

To: Sean Kennealy/NACC/NPS@NPS
cc
bcc
Subject: Re: Trash and Sanitation Report 

Thanks Sean. I appreciate your help!

Bob

From: Sean Kennealy
Sent: 10/21/2011 06:31 PM EDT
To: Karen Cucurullo; Bob Vogel; "Richard Bradley" <bradley@downtowndc.org>
Cc: Martha Ellis; Mark White
Subject: Re: Trash and Sanitation Report

Hello everyone,

Here is what revised services we will provide effective Saturday, Oct. 22:

1. We will run a daily trash pickup route to McPherson at 9 am, 2 pm and 7 pm.
2. Supervisor Baker will visit the park on Saturday morning to inspect and resupply bags and make contact with organizer.
3. Supervisor Gunter will do the same Sunday.
4. The trash truck will also service Freedom Plaza around those same times.
5. We will re-evaluate needs Monday.

Thanks, Sean

Sean Kennealy
Chief, Division of Facility Management
National Mall and Memorial Parks
Office: 202-245-4685
Fax: 202-426-0099

From: Sean Kennealy
Sent: 10/21/2011 06:11 PM EDT
To: Karen Cucurullo; Bob Vogel; "Richard Bradley" <bradley@downtowndc.org>
Cc: Martha Ellis
Subject: Re: Trash and Sanitation Report

We have our trash packer scheduled to pick up the trash twice daily, between 9-10 AM and 2-2:30 PM, 7 days a week.

I inspected the park this morning and found it to be very orderly and tidy. I also spoke with some of the organizers

and they agreed to help bag the trash and place at the NW corner for pickup. Martha delivered 3 cases of clear trash bags to them this morning.

Thanks, Sean

Sean Kennealy
Chief, Division of Facility Management
National Mall and Memorial Parks
Office: 202-245-4685
Fax: 202-426-0099

From: Karen Cucurullo
Sent: 10/21/2011 05:20 PM EDT
To: Bob Vogel; "Richard Bradley" <bradley@downtowndc.org>
Cc: Sean Kennealy
Subject: Re: Trash and Sanitation Report

This morning at 8:00am, Sean was in the park and said that it was pretty clean. He spoke to some of the demonstrators and they agreed to place bagged trash on the NW side of the park for pick up by NPS. The trash was to be picked up a couple of time a day.

Karen

From: Bob Vogel
Sent: 10/21/2011 04:30 PM EDT
To: "Richard Bradley" <bradley@downtowndc.org>
Cc: Karen Cucurullo
Subject: Re: Trash and Sanitation Report

I have asked karen to get back with you in regards to the trash schedule. I am hoping we can improve the situation.

Bob

From: Richard Bradley [bradley@downtowndc.org]
Sent: 10/21/2011 03:04 PM GMT
To: Bob Vogel; Karen Cucurullo
Subject: FW: Trash and Sanitation Report

I wanted to forward this recent report. I think the sanitation matters are now spreading. Any plans in this regard?

From: Everett Scruggs
Sent: Friday, October 21, 2011 10:57 AM
To: Richard Bradley; Rick Reinhard; David Kamperin; Blake Holub
Subject: RE: Trash at Freedom Plaza, McPherson Square

I have Ron in discussion again with the workabee level of NPS...with hopes of developing a workin schedule for trash pick up as now it is haphazard at best...I just received a request this morning from McPherson Square for blue bags to use for their recycling...I got them on hold as I think we need to be clear on our stance in terms of our support for these encampments....ie... as Rick asked....Do we intentional draw back to support the point that they cannot adequately sustain themselves or do we take up the mantle in conjunction with NPS to support their shortcomings...Yesterday, I also received reports that there is abnormal amount of human feces behind the wall at McPherson square metro (no portal potties @ McPherson).... And observance of more dog feces around tree boxes...I am meeting Ron as we speak @ McPherson and putting my eyes on these issues as well as the ones at Freedom Plaza..... I'll get back to all on my thoughts later this pm....

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Rich

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Sent: Friday, October 21, 2011 9:41 AM

To: David Kamperin; Everett Scruggs; Richard Bradley; Blake Holub

Subject: Trash at Freedom Plaza, McPherson Square

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Thanks for the clarification.



Bob Vogel/NAMA/NPS
10/25/2011 11:19 AM

To "Karen Cucurullo" <karen_cucurullo@nps.gov>, "Steve Lorenzetti" <steve_lorenzetti@nps.gov>
cc
bcc
Subject Fw: rat issues

Not sure which of you should respond to Ms. Kimbel.
Peter May

----- Original Message -----

From: Peter May
Sent: 10/25/2011 11:08 AM EDT
To: Tara Morrison; Bob Vogel
Subject: Fw: rat issues

Tara and Bob,

Please see the message below from Councilmember Jack Evans' office regarding rat problems in your respective parks. I hope there is some action that you can take. I would love it if you can respond directly to Ms. Kimbel, but please let me know what action you take. Thanks!

Peter

Peter May
Associate Regional Director
Lands, Resources, and Planning
National Park Service - National Capital Region
1100 Ohio Drive SW
Washington, DC 20242
(202) 619 7025 - Office
(202) 401 0017 - Fax
peter_may@nps.gov

----- Forwarded by Peter May/NCR/NPS on 10/25/2011 11:06 AM -----



"Kimbel, Sherri (COUNCIL)"
<SKimbel@DCCOUNCIL.US>

10/25/2011 10:34 AM

To "Peter_May@nps.gov" <Peter_May@nps.gov>
cc "Evans, Jack (COUNCIL)"
<JACKEVANS@DCCOUNCIL.US>
Subject rat issues

Good Morning Peter,
We've received many emails about rats overrunning the waterfront park in Georgetown. I would appreciate it if you could have someone look at this and take whatever steps are necessary to get the rats under control. If there is anything we can assist with, let me know. On the same subject, I know we discussed the rat problem in Washington Circle, and I thought it had been abated, however we got this email from one of the nearby residents:
re: Rats at Washington Circle / GW Circle. This morning I counted 35 rats while walking my dog around the circle. They blanketed the grass. I called the DPR (202-673-7649) and they referred me to the National Park Service (202-245-4715). NPS said that they are well aware of the growing rat problem in

the park but it's not their job to clean them up. To make me feel better, they said it is worse at McPherson Square. This is neither an answer nor a solution.

I surely hope that the person who answered the phone was wrong, or that the resident embellished what he heard. Please let me know what NPS is willing to do about this. Thank you.

Sherri Kimbel

Director of Constituent Services

OFFICE OF COUNCILMEMBER JACK EVANS

202-724-8058

www.jackevans.org



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twitter



David Barna/WASO/NPS
10/26/2011 07:00 AM

To Bob Vogel/NAMA/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Carol B
Johnson/NACC/NPS@NPS, William Line/NCR/NPS@NPS,

cc

bcc

Subject newscip: Wash Post/ AP : As some cities crack down on
anti-Wall Street protesters, tent cities in DC continue to
expand

Washington Post / AP

As some cities crack down on anti-Wall Street protesters, tent cities in DC continue to expand

By Associated Press
October 25

WASHINGTON — While police and neighbors in some cities are losing patience with anti-Wall Street protests, demonstrators in the nation's capital are continuing to expand their tent cities with little interference.

Authorities in several cities have started arresting or threatening to evict demonstrators, in part because of concerns about noise, sanitation and health.

But in Washington, a city accustomed to protests, relations between police and participants in two similar, open-ended demonstrations have been largely peaceful. McPherson Square was packed with more than 100 tents Tuesday, and there were more than 60 tents in Freedom Plaza a few blocks away.

At McPherson Square, Wes Kirkpatrick of the Occupy D.C. movement was hanging leaflets Tuesday afternoon with information about arrests and confrontations between police and protesters in other cities. U.S. Park Police are patrolling the square twice daily but have done little else, and officers have given no indication they plan to start arresting or evicting the protesters, said Kirkpatrick, 27.

Police are arresting protesters "everywhere but here, essentially," Kirkpatrick said. He said he believed Occupy D.C. was benefiting from its location just blocks from the White House and said he did not expect the federal government to crack down on the demonstration.

Assemblies in McPherson Square don't require permits as long as they don't exceed 500 people, but people are barred from camping or cooking there, and the demonstrators are doing both in plain view of police.

McPherson Square is surrounded by businesses, including banks, restaurants and law firms, but Kirkpatrick said there had been few if any confrontations with local merchants and residents. Bill Line, a National Park Service spokesman, said the park service decided recently to start picking up trash twice a day in the square because of concerns about buildup. He also said police were counting the protesters and would take action if their numbers exceeded 500.

Patrick Segui, who owns a hair salon on McPherson Square, said the demonstration hasn't harmed his business.

"There hasn't been any trouble. As far as protesting, that's the way to do it. They're very clean," Segui said. "Politically, it's a different story, but we don't need to go there."

Ayanna Brown, general manager of the popular restaurant Georgia Brown's, said the protesters and the restaurant have coexisted peacefully, and she noted that most of the staff supports them.

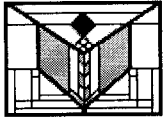
"They don't even come in and ask to use the restroom," Brown said. "We were concerned mostly about trash. We can get rats if we don't maintain a certain level of cleanliness, and they have done that."

The demonstrators in Freedom Plaza have a permit that runs through Dec. 30, but they are also camping and cooking in defiance of park service rules. Kevin Zeese, an organizer of the October 2011 Stop the Machine demonstration, said officers patrolling the plaza have told him "they're getting pressure to evict us." But he said demonstrators would return if they were kicked out.

The park service was planning to hand out leaflets to the Freedom Plaza protesters addressing health and safety matters that they're expected to abide by, Line said.

Freedom Plaza is bordered by local and federal government buildings, the National Theater and a Marriott hotel. Zeese said he hasn't heard any complaints from neighbors.

"I would guess the Marriott's \$500-a-night rooms aren't too happy, but they haven't said anything to us," he said.



Steve Lorenzetti/NACC/NPS

10/26/2011 09:52 AM

To bob_vogel@nps.gov

cc karen_cucurullo@nps.gov, Kathleen
Harasek/USPP/NPS@NPS, Randolph.Myers@sol.doi.gov,
carol_b_johnson@nps.gov, william_line@nps.gov

bcc

Subject McPherson Square Use Handout

History:

➡ This message has been forwarded.

Bob,

Here is the final draft of the McPherson Square Use Handout. It has been vetted by Randy and the USPP.

steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309



McPherson Use Handout 2011-10-26.doc



Help Us Preserve McPherson Square

National Mall and Memorial Parks – National Park Service



The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC are used almost every day as places for First Amendment demonstrations and for citizens engaged in civil debate over serious issues facing our nation.

The National Park Service is also required to protect our important cultural and natural resources. To help you help us with that responsibility and comply with park regulations, we are providing some guidelines for visitors using the parks, regardless of the reason for their visit.

Safety Guidelines:

Generators: For safety reasons and to protect natural resources, any generator must:

- Be surrounded by a fence of at least three feet in height;
- Be placed on matting. Matting must be made of three-quarter inch plywood, or other material agreed to by the National Park Service, topped by a plastic tarp impermeable to fuel, with absorbent material on top of tarp;
- Have a drip pan under the fueling nozzle.

You may refuel generators on parkland only between the hours of 5:00 am and 8:00 am. Storage of generator fuel in the park is not allowed. Fuel is defined as a hazardous material by the Environmental Protection Agency, and fuel spills pose a danger to human health. You must immediately report all fuel spills to the District of Columbia Fire Department by dialing 911 and to the United States Park Police dispatch at (202) 610-7500 so that corrective action can be taken.

Restrooms: There are no restrooms in the park although organizers may provide their own portable temporary toilets in coordination with the park. The National Park Service recommends a minimum of one portable toilet per 300 people, with at least 20 percent of facilities handicapped accessible. Public urination or defecation is prohibited.

Trash: The National Park Service will provide trash receptacles in convenient locations and will empty them at least three times per day. All trash and debris must be cleared from the park and placed in the park trash receptacles at the conclusion of each day's events.

Resource Protection Guidelines

Existing natural and cultural resources, and landscape features, must be protected from damage or injury. The following rules apply to McPherson Square:

- In order to protect the General McPherson statue, food or drink should not be consumed at the base of the statue. Food and drinks, particularly drinks with a high sugar content and dyes (such as soda and sports drinks), leave permanent stains;
- Nothing may be attached or affixed to the statue or passed through landscape features, trees or other vegetation;
- To help allow the turf to get the sunlight and water needed to survive, we recommend that any temporary structures or tents with attached flooring placed on grass should be relocated every four days.

While temporary structures or tents are allowed in the park under some circumstances, camping is not permitted. Camping is defined at 36 CFR § 7.96(i)(1) as *"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking. . . "*. To allow for visual inspection and monitoring, all temporary structures and tents must have at least one open side.

The basis for these rules and guidelines can be found in Title 36 Code of Federal Regulations sections 2.1, 2.14, 2.31 and 7.96; the National Mall and Memorial Parks Compendium compiled under 36 C.F.R. § 1.7; and the National Park Service, National Capital Region - Requirements for Special Events Held on Parkland. These documents can be viewed and downloaded at www.nps.gov/nama/planyourvisit/permits.htm.

National Park Service rangers will be distributing this notice, as well as well as posting it, at the park. National Park Service rangers and United States Park Police officers will continue to monitor the park to ensure compliance and answer questions. Your cooperation is appreciated.

If you have any questions, or would like a copy of the regulations, please contact Robbin Owen, Chief, Permits Management at 202-245-4715.



Bob Vogel/NAMA/NPS
10/26/2011 10:05 AM

To Maureen Foster/WASO/NPS
cc
bcc
Subject IMPORTANT

Maureen,

This is a copy of the handout which we will be distributing to demonstrators at Freedom Plaza and McPherson Square today. It has been fully vetted with Randy Meyers and USPP. We believe it to be non-controversial and will be presented in a friendly manner by park rangers not USPP. It is necessary in our overall legal strategy for this to go out. Please let me know if there is a problem.



McPherson Use Handout 2011-10-26.doc

Bob

Jerry Marshall/USPP/NPS

10/31/2011 11:52 AM

To David Kamperin <davidk@downtowndc.org>

cc "bob_vogel@nps.gov" <bob_vogel@nps.gov>, Richard
Bradley <bradley@downtowndc.org>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
bcc

Subject Re: McPherson Occupants

I will have officers make frequent checks.

Lieutenant Jerry Marshall
District 1
Administrative Commander
"law don't go around here, savvy"
Office# 202 426 6710

Fax# 202 426 6779

David Kamperin <davidk@downtowndc.org>



David Kamperin
<davidk@downtowndc.org>

10/31/11 11:33 AM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
"teresa_chambers@nps.gov" <teresa_chambers@nps.gov>,
"Jerry_Marshall@nps.gov" <Jerry_Marshall@nps.gov>,
"Kathleen_Harasek@nps.gov" <Kathleen_Harasek@nps.gov>

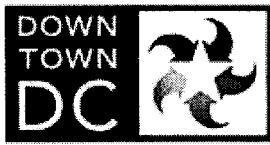
cc Richard Bradley <bradley@downtowndc.org>, Rick Reinhard
<reinhard@downtowndc.org>, Karyn LeBlanc
<karyn@downtowndc.org>

Subject McPherson Occupants

Superintendent Vogel

I received information (unconfirmed at this time) that the encampment at McPherson looked somewhat vacant Saturday night- as it appeared many had left there tents but may have gone home. Could you or USPP please check this and Freedom Plaza over the nighttime as I'm concerned if people are abandoning their tents what could be stored inside of them (flammable liquids and other incendiary devices) that could pose an eminent security risk. Also, if that is the case would NPS consider seizing control of the property and treat it as abandoned on public space?

Thanks- Dave



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www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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If you SEE something, SAY something.

Call the Metropolitan Police Department at **(202) 727-9099** or email at SAR@DC.GOV to report suspicious activity or behavior that has already occurred.

Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.gov/operationtipp>



David Kamperin
<davidk@downtowndc.org>

10/31/2011 02:15 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,

cc

bcc

Subject Occupy DC Dumping Trash at Businesses

Today a group of protestors from Occupy DC at McPherson dumped bags of garbage at the lobby of the Eagle Bank at 1425 K St NW. When they went to remove it the bottom of the bag broke (apparently weakened by the protestors) and cups of urine and human or animal excrement dumped out.



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Garbagedumpedat1425KNW.jpg



David Barna/WASO/NPS
11/01/2011 02:32 PM

To Bob Vogel/NAMA/NPS@NPS, Carol B
Johnson/NACC/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, David

cc

bcc

Subject newscip: Huffington Post - Occupy DC: McPherson Square
Protesters Can't Camp. Or Can They?

Huffington Post
Nov. 1, 2011

Occupy DC: McPherson Square Protesters Can't Camp. Or Can They?

WASHINGTON -- A month into their protest in McPherson Square in downtown D.C., Occupy DC protesters don't know whether the National Park Service thinks they are breaking park rules or not.

Last week after Park Police took down an Occupy DC flag from the park's statue of Maj. Gen. James B. McPherson, the park service then distributed a flier in McPherson Square with some park rules.

One key rule the flier outlines: "In order to protect the General McPherson statue, food or drink should not be consumed at the base of the statue. Food and drinks, particular drinks with a high sugar content and dyes (such as soda and sports drinks), leave permanent stains."

Another rule could be harder to follow: "Camping is not permitted."

But the handout, which is also posted around the park, has some other statements that seem to contradict that no-camping rule.

One says: "To allow for visual inspection and monitoring, all temporary structures and tents must have at least one open side."

Another reads: "To help allow the turf to get the sunlight and water needed to survive, we recommend that any temporary structures or tents with attached flooring placed on grass should be relocated every four days."

And generators, says the flier, should be "surrounded by a fence at least three feet in height" and "placed on matting."

Jeff Light, an attorney advising Occupy DC, says since receiving the flier, the group has put up a fence around the generator, and put the generator on some wooden pallets. Other than that, the members of Occupy DC haven't decided how -- or if -- they will respond to the flier, or if they will specifically ask for clarification on the camping issue.

"This is not issued like an order," Light said. "It's a flier that they gave us."

Carol Johnson, a spokeswoman for the National Park Service, tells The Huffington Post that NPS is not expecting a response to the flier.

"We wanted to provide education to the protesters about the kinds of things that would make it a better experience, and would help them keep within the regulations," Johnson said.

But under the regulations, camping is not permitted in McPherson Square. So has the park service changed its camping policy?

"Camping is making preparations for sleeping, sleeping, setting up housekeeping," said Johnson. "But, all that said, tents are allowed there. And a 24-hour vigil is allowed there."

But she acknowledged that sometimes it can be difficult to tell the difference between a vigil and camping.

"We have to use discernment," Johnson said. "The Park Police are monitoring the situation, and are going in to make sure that people are safe. We'll continue to monitor."

Johnson says that Occupy DC isn't being given special treatment, pointing toward the Stop the Machine protest that has been camping out in Freedom Plaza since Oct. 6, and Concepcion Picciotto who has been camped out in Lafayette Park, across from the White House, protesting nuclear weapons since 1981. (Picciotto's advice to the Occupy protesters was to "just be peaceful and stay the course.")

"We're trying to balance the needs of the First Amendment and the needs of protecting cultural resources," Johnson said, adding that the Park Service is also responding to the concerns of local businesses. For instance, they've increased the number of trash pickups at the park to three per day.

Light said that he expects the protesters to decide if they will respond to the flier later this week. He also expects that regardless of their response, the McPherson Square demonstrators' relationship with law enforcement will stay friendly and flexible.

"We haven't had a single arrest. We're trying to make sure that everybody there is safe, and not causing any problems," Light said. "Some of the things they are saying in the flier are not based in any regulations, but they nevertheless may be a good idea to follow anyway."



David Kamperin
<davidk@downtowndc.org>

11/01/2011 04:47 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>

cc Richard Bradley <bradley@downtowndc.org>

bcc

Subject FW: McPherson Park 11/1/11

Superintendent Vogel-

Please see the information from a property manager in the area of McPherson Sq- not sure if USPP or your staff have observed any of these noted changes...



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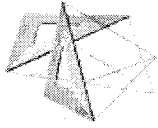
To learn more, visit <http://www.mpdcc.gov/operationtipp>

David,

The park has a very interesting dynamic today. Seems like the flower children have gone home and we are left with a more "cede" environment. It appears as if the park has been taken over by homeless placeholders. Not real savory looking group of people and there are several dogs in the park today. Some on leashes, some not for playing purposes.

Any update on what the park police are thinking for the an eviction on the park squatters?

Thank you,



Kathleen Harasek/USPP/NPS
11/01/2011 06:31 PM

To Teresa Chambers/USPP/NPS@NPS, David
Schlosser/USPP/NPS@NPS
cc Peter Shannon/USPP/NPS@NPS, Dennis
Maroney/USPP/NPS@NPS, Jackie Burks/USPP/NPS@NPS,
Robert MacLean/USPP/NPS@NPS
bcc Bob Vogel/NAMA/NPS
Subject : McPherson Sq 

Dave,
We are all in agreement on this oneUSPP received complaint of assault, responded and located victim who positively identified assailant. The Park is used throughout the day by numerous visitors and there is typically low criminal activity within the area.

Capt. Kathleen Harasek
U.S. Park Police
202-426-6710
Teresa Chambers

----- Original Message -----

From: Teresa Chambers
Sent: 11/01/2011 06:18 PM EDT
To: David Schlosser
Cc: Peter Shannon; Dennis Maroney; Jackie Burks; Robert MacLean; Kathleen Harasek
Subject: Re: McPherson Sq

David -- I agree with your approach. Simply answer the questions as you would for any other assault / destruction of property arrest. Then, shoot an email to Barna. This is bigger than the USPP. Thanks for your wisdom.

TC

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350
David Schlosser/USPP/NPS

David Schlosser/USPP/NPS
11/01/2011 06:08 PM

To Teresa Chambers/USPP/NPS@NPS
cc
Subject McPherson Sq

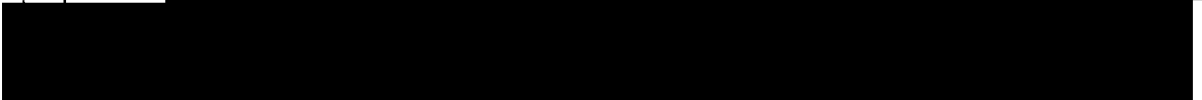
It begins...

I am getting calls re an arrest at McPherson Park.

Car 102 Sgt Green states that a demonstrator took umbrage with a passerby photographing him.

Demonstrator grabs camera and smashes it. He is charged with simple assault and destruction of property.

While this is simple and straight forward, this type of activity is getting huge attention nationwide.



David



To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"steve_lorenzetti@nps.gov" <steve_lorenzetti@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,

CC

bcc

Subject FW: Occupy DC 11/2/11

Please see below information from one of our staff members during a recent survey- of note, I have had property managers state that they have smelled marijuana during the evening hours...

>>>>>>>>>>>>>>>>>>>><<<<<<<<<<<<<<<<<

I started at Freedom Plaza today which was pretty quite. I had a count of 42 tents in all. I would say maybe 20 to 25 visible at 3pm. I then went to McPherson which was where all the action is. The tent count has jumped from last week of 120 to 142 this week. There are large tents with 2 or 3 sub tents within. Easily 40- 50 people on site. The trash situation was not as bad, but there were at least 8 bags of trash on the corner of 15th st. I did notice a young ,well dressed,(urban), young man come into the park..go to a few tents, and leave the park in the time I was there. Seemed like a drug transaction by the way he was looking around after leaving the park to see if anyone was watching him.



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ct.



David Kamperin
<davidk@downtowndc.org>
11/03/2011 03:51 PM

To "Steve_Lorenzetti@nps.gov" <Steve_Lorenzetti@nps.gov>,
"bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
cc Richard Bradley <bradley@downtowndc.org>, Karyn LeBlanc
<karyn@downtowndc.org>

bcc

Subject FW: McPherson Park challenge

Superintendent

Please see the concerns below from one of our property managers. As you can imagine they have in place evacuation plans for a variety of incidents. For example, the day of the earthquake (where plans call for evacuation away from buildings when safe to do so) McPherson was used and is used by this property, and quite frankly other properties around the park. Has the NPS worked with MPD or HSEMA to provide alternate locations while McPherson is being occupied? I would appreciate some guidance and/or suggestions from your group and the law enforcement team to assist to ensure, should there be a homeland security event, these people have an alternatives – (as you can imagine Franklin, and Lafayette will be crowded with people from buildings adjacent or nearby to them). Thanks.



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Good afternoon,

We are in search of some guidance on a very important safety issue.

Historically, McPherson Park has been used during the business day as a safe spot or fall back position for many of the local buildings in the event of a fire evacuation or other such evacuation emergency. Since the park is now filled with the Occupy DC squatters, the homeless, and quite frankly, undesirables. Our tenants are quite concerned that they have no safe spot to fall back on should there be a building emergency. We need a safe fall back position for our tenants here at 1500 K if this type of event were to occur. Additionally, we think it would not be a wise idea for the spot to be anywhere in the vicinity of the current Occupy DC protesters or to reach a safe spot, we do not want our tenants to have to move

through this crowd and tension between the “squatters vs. workers” is already at a high and I think you can agree we do not want anything bad to happen.

Your assistance in finding a new safe spot or any recommendations you might have as to a new area, and/or the removal of said squatters would be much appreciated.

Thank you,
CER



Karen Cucurullo/NACC/NPS

11/04/2011 04:24 PM

To "Bob Vogel" <Bob_Vogel@nps.gov>

cc

bcc

Subject Fw: Farragut Park

FYI, I will discuss with Sean.

----- Original Message -----

From: Jenna Grant [jgrant@goldentriangledc.com]

Sent: 11/04/2011 01:22 PM MST

To: Sean Kennealy; Mark White; Martha Ellis

Cc: Karen Cucurullo; Leona Agouridis <lagouridis@goldentriangledc.com>; Paul Batlan

Subject: RE: Farragut Park

Thanks, Sean. Let us know what works best for you.

-----Original Message-----

From: Sean_Kennealy@nps.gov [mailto:Sean_Kennealy@nps.gov]

Sent: Friday, November 04, 2011 3:35 PM

To: Jenna Grant; Mark_White@nps.gov; Martha_Ellis@nps.gov

Cc: Karen Cucurullo@nps.gov; Leona Agouridis; Paul_Batlan@nps.gov

Subject: Re: Farragut Park

Mark and Martha,

Please see below and have a conversation with the supervisor and staff that work in this area. As discussed, please continue to run the 3rd trash pick up while the McPherson event continues (servicing Freedom Plaza, Farragut, and Washington Circle too).

Jenna - At some point, my staff and I need to meet with you to discuss how we can share resources to keep this park clean and provide the necessary services. I will work with Paul to arrange a meeting.

Thanks, Sean

Sean Kennealy

Chief, Division of Facility Management

National Mall and Memorial Parks

202-245-4685 (office)

202-426-0099 (fax)

Jenna Grant
<jgrant@goldentriangledc.com>

11/04/2011 12:03
PM MST

To
"Paul_Batlan@nps.gov"
<Paul_Batlan@nps.gov>, "Sean
Kennealy (sean_kennealy@nps.gov)"
<sean_kennealy@nps.gov>

cc

Leona Agouridis
<lagouridis@goldentriangledc.com>,
"Karen_Cucurullo@nps.gov"
<Karen_Cucurullo@nps.gov>
Subject
Farragut Park

Paul & Sean,

There were 10-12 food trucks at Farragut Park today - and as is typically the case when the weather is nicer - the trash cans were overflowing. Do you have staff tasked with emptying the cans and taking the bags away in the afternoon? I'm asking because there were two NPS staff persons in the park who emptied one can, threw it in their truck and then watched from their truck as ambassadors emptied the other cans. When our supervisor asked them if they could take the rest of the trash, it sounds like they said the trash truck was done for the day?

What should we expect from NPS in terms of trash collection?

Jenna Grant
Operations Program Manager
Golden Triangle BID
1120 Connecticut Ave. NW, Ste 260
Washington, DC 20036
(202) 463-1933
www.goldentriangledc.com

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TWITTER: TWITTER.COM/GOLDENTRIDc



Karen Cucurullo/NACC/NPS
11/05/2011 05:53 PM

To: Bob Vogel/NAMA/NPS@NPS, "Robbin Owen"
<Robbin_Owen@nps.gov>
cc
bcc
Subject: Re: Fwd: McPherson Park- 2 sani jons installed 11-4-11

Not that I am aware of.

From: Bob Vogel
Sent: 11/05/2011 03:26 PM EDT
To: Karen Cucurullo
Subject: Fw: Fwd: McPherson Park- 2 sani jons installed 11-4-11

We didn't install these did we?

From: David Kamperin [davidk@downtowndc.org]
Sent: 11/05/2011 03:01 AM GMT
To: Bob Vogel; Steve Lorenzetti; Karen Cucurullo
Cc: Richard Bradley <bradley@downtowndc.org>; Karyn LeBlanc <karyn@downtowndc.org>
Subject: Fwd: McPherson Park- 2 sani jons installed 11-4-11

Superintendent Vogel

This is clearly disappointing and it appears that NPS' only response to this illegal activity is to enable them and make their unlawful camping more comfortable. It also appears that NPS has accepted this and will continue to promote this illegal activity instead of enforcing current laws. Ironically the warning signs posted are still being ignored- generators are running, gas containers with flammable liquids are being stored near propane stoves-a potential grave risk to the public safety of the residents, workers and visitors near the area- not to mention the obvious presence of illegal narcotics (marijuana can readily be smelled throughout the encampment).

Finally, I am sure that if these protestors attempted their encampment on the National Mall with flammable liquids, potential projectiles and illegal drugs openly being used the response by NPS would be substantially different. Sadly when activities are adversely impacting businesses and the rights of workers and residents to enjoy the park occurs out of site of the White House, Dept of Interior and NPS the response appears to be to make them more comfortable. When severe cold weather arrives I imagine the staked pile of wood will be used for a bonfire to warm the campers up.

I hope NPS has a "line in the mud" at McPherson that when crossed by this group they take action, and I hope this action is not reactive because of a grave or injurious incident to an innocent victim.

Thank you-

David Kamperin
Downtown DC BID
202-661-7570

Sent from my iPhone

Begin forwarded message:

From: "Robinson, Constance (US)" <Constance.Robinson@am.jll.com>
Date: November 4, 2011 4:21:10 PM EDT
To: "nama_superintendent@nps.gov" <nama_superintendent@nps.gov>
Cc: "David Kamperin <davidk@downtowndc.org> (davidk@downtowndc.org)" <davidk@downtowndc.org>
Subject: McPherson Park- 2 sani jons installed 11-4-11

Good afternoon,

We have received several comments from our tenants regarding the installation of the sani jons at McPherson park for the squatters that call themselves "Occupy DC". If we had to sum the comments up in one single word, that word would be... REALLY??!?

What is the NPS reasoning and strategy behind allowing the squatters to continue this blatant disregard for established laws that seemingly every other person has to abide by?

The business people in the immediate area of McPherson park are not impressed with how NPS is handling this situation.

Please advise.

CER

Constance E. Robinson

Vice President and General Manager

Jones Lang LaSalle Americas, Inc.

1500 K Street, NW, Suite 100

Washington, DC 20005

Tel: (202) 638 1500

Direct: (202) 624 3201

Fax: (202) 347 8171

Mobile: (202) 438 9499

Constance.Robinson@am.jll.com

www.joneslanglasalle.com/us



Please consider the environment before printing this e-mail.

"If you see something, say something"

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Bob Vogel/NAMA/NPS

11/08/2011 03:46 PM

To Steve Whitesell/WASO/NPS

cc

bcc

Subject Occupy concern

MPD has requested to come on to park property and issue a flyer regarding DC laws this evening at McPherson. We(USPP and NAMA) have indicated our preference that MPD not do this as we think it has potential to escalate the tenuous relationship between MPD and occupy. We are not sure whether MPD will honor our request. I have asked that if anything goes wrong not to call us in the middle of the movie tonight! We are preparing to brief you next Tuesday morning on the latest action steps with the USA and solicitors and the District Court.

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661



David Kamperin
<davidk@downtowndc.org>

11/08/2011 04:37 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"Steve_Lorenzetti@nps.gov" <Steve_Lorenzetti@nps.gov>

cc

bcc

Subject FW: McPherson Square Park

FYI



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.gov/operationtipp>

From: Lisa Mize [<mailto:lmize@Shorenstein.com>]

Sent: Monday, November 07, 2011 2:13 PM

To: David Kamperin

Subject: McPherson Square Park

I know the Downtown BID has expressed concerns about potential damage to the McPherson Square Park as a result of the protestors camping there. I am curious whether anyone has given any consideration to the impact on the ducks which congregate there every evening. I believe that the ducks in DC are protected under federal legislation (a wildlife protection act) – not sure if that also extends to the areas where they congregate, but was curious as to whether anyone has given this any consideration.

Thank you.

Lisa Mize
Group Manager
Shorenstein Realty Services, L.P.
600 14th Street, N.W., Suite 100
Washington, D.C. 20005
Phone: 202-388-0110

Fax: 202-388-4221



David Kamperin
<davidk@downtowndc.org>

11/08/2011 05:05 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,
cc Karyn LeBlanc <karyn@downtowndc.org>, Richard Bradley
<bradley@downtowndc.org>, "christopher.murphy@dc.gov"
<christopher.murphy@dc.gov>

bcc

Subject Wall Street coming to Occupy DC

http://m.nbcwashington.com/nbcwashington/pm_107902/contentdetail.htm?contentguid=NCYHezA0

Superintendent-

As space is becoming limited at McPherson I hope NPS has plans to prevent them taking over a third park (ie Franklin) and control/confine the group to current locations so as not to destroy another green space in Downtown DC. With these groups now apparently merging maybe the National Mall would be an ideal and centralized location for these encampments.



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David Kamperin
<davidk@downtowndc.org>
11/08/2011 04:28 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"Steve_Lorenzetti@nps.gov" <Steve_Lorenzetti@nps.gov>,
"karen_cucurullo@nps.gov" <karen_cucurullo@nps.gov>,
cc Richard Bradley <bradley@downtowndc.org>

bcc

Subject FW: McPherson Sq vandalism

Please see link below and graffiti



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
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davidk@downtowndc.org

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To learn more, visit <http://www.mpdcc.dc.gov/operationintipp>

From: Karyn LeBlanc

Sent: Tuesday, November 08, 2011 4:24 PM

To: David Kamperin

Subject: McPherson Sq vandalism

#OccupyDC is in a tailspin. Protesters bickering among themselves after some members deface statue <http://yfrog.com/odfhvojj>

Karyn G. Le Blanc
Director of Communications
DowntownDC Business Improvement District
202-661-7560, office
202-497-4572, cell
Karyn@DowntownDC.org
@DowntownDCBID



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/10/2011 10:30 AM

To "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Cucurullo, Karen" <Karen_Cucurullo@nps.gov>, "Lorenzetti, Steve" <Steve_Lorenzetti@nps.gov>, "Owen, Robbin"

cc

bcc

Subject fyi: MPD Occupy Wall Street Statement and Handout

Bob & Company: Thanks again for our very useful meeting yesterday.

As promised, attached is the MPD Chief Statement found on their DC.Gov website as well as the MPD handout that their officers distributed at Freedom Plaza and McPherson Square two days ago...

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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Statement from Chief Lanier on Occupy DC 11.7.11 <http://newsroom.dc.gov/show> visited 11.9.11.pdf



MPD Guidelines for Peaceful Demonstrations 11 08 11.pdf



Derek Bottcher

11/28/2011 03:20 PM

To bob_vogel@nps.gov, steve_whitesell@nps.gov

cc

bcc

Subject McPherson Square -- camping

Mssrs Vogel and Whitesell:

For over three years, I have worked at 875 15th Street N.W., which is on the corner of 15 and I ("eye") streets in the District. I get to work each morning by taking the 16-Y Metro Bus from my home in Arlington to the corner of 15 and K Streets, getting off in front of the CVS. I then walk diagonally across McPherson Square to get to my office. I've had the opportunity - and recently, the incredible disappointment - of witnessing McPherson Square's facelift and its subsequent trashing at the hands of the Occupy DC movement.

I read with disappointment this afternoon that the National Park Service recently distributed flyers informing the Occupiers that their continued camping in McPherson Square is illegal. It is disappointing because it signals NPS's continued unwillingness to take concrete action to evict the Occupiers and return the park to its intended purpose: to be a place of enjoyment for all Americans.

I would like to know why NPS has allowed the Occupiers to take over McPherson Square, denying enjoyment of the park to everyone else who might pass through it or wish to spend time in it. The park, which was a beautiful green space in the center of the city, has been trashed and much of the improvements implemented during the recent facelift have been destroyed. The sod has been trampled and turned to muck in many areas. There is trash scattered throughout the park. Drinking fountains have makeshift pipes connected to them to fill up the campers' water jugs. I have witnessed Occupiers smoking marijuana some evenings when I walk through the park to catch my bus home. A couple of the Occupiers have called out to me, as I walked through the park, with derisive comments about my "lobbying efforts." I dress professionally for my job but I am not a lobbyist -- not that this matters one bit. If all of the above was not enough reason to put an end to the squalor in McPherson Square, the Occupiers have used the area at the base of the monument to General McPherson as a place to hang out, store childrens' toys, store food and drinks, store posterboard and other trash, and even as a dog park. This is outrageous and an insult to the memory of General McPherson, and the sacrifice of Americans who served their country in uniform. I would be happy to supply photographs of each of the above examples, excepting the marijuana smoking and of course the derisive comments.

It is baffling to me why NPS has not evicted these campers. What is particularly disappointing to me, with respect to your stewardship of this National Park, is the fact that there was never any question as to the legality of the Occupiers' camping. Multiple signs posted in McPherson Square state clearly that camping is prohibited. My understanding is the Occupiers have received no special relief from this prohibition, therefore their camping in McPherson Square is illegal. Further, preventing the Occupiers from overnight camping in McPherson Square would not impinge upon their First Amendment rights. As I am sure you know, there is no First

Amendment right to camp in National Parks. This question was settled by the Supreme Court in its 1984 decision, *Clark v. Community Creative Non-Violence* . The Occupiers can congregate in McPherson Square during the day if they wish, but they should not be allowed to turn it into their personal squatters' campground.

The fact that NPS has permitted McPherson Square to be transformed from a beautiful park into a place of squalor is incredibly disappointing. The entire premise of the National Parks program is that certain places of natural beauty should be preserved for the enjoyment of all Americans -- with access denied by none. Right now the Occupiers' campground in McPherson Square is making a mockery of that solemn premise. And it is a shame that the National Park Service knows it and does nothing to rectify the situation.

Best regards,

Derek Bottcher

[REDACTED]
Arlington VA 22204

[REDACTED]
202-569-8511



Lisa
Mendelson-Ielmini/NCR/NPS
12/02/2011 02:54 PM

To: Bob Vogel/NAMA/NPS@NPS
cc
bcc
Subject: Re: Occupy DC versus other park users - I count too!

Thanks Bob.

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office

Bob Vogel

----- Original Message -----

From: Bob Vogel
Sent: 12/02/2011 02:51 PM EST
To: Carter DeWitt <cdewitt@taxfoundation.org>
Cc: Karen Cucurullo; Kathleen Harasek; Lisa Mendelson-Ielmini; Steve Whitesell; Teresa Chambers; Tonya Thomas
Subject: RE: Occupy DC versus other park users - I count too!

Dear Ms. DeWitt:

This responds to your e-mail to Deputy Superintendent Karen Cucurullo dated November 28, 2011, that asks about the National Park Service (NPS) regulation that authorizes temporary structures as well as a copy of the Court ruling referred to in her e-mail to you dated November 25, 2011.

We are pleased to provide you with the information you requested. As for the NPS regulation on temporary structures, the introductory sentence of 36 CFR 7.96(g)(5)(iv) specifically provides that temporary structures are allowed as part of a permitted demonstration "for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays."

As for the Court ruling, attached is a copy of *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1984), where the Supreme Court upheld the NPS camping regulation, and noted that allowing the two symbolic tent cities "left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil." Please also note that the duration of a demonstration is not limited by the National Park Service's National Capital Region. This stems from the Court of Appeals decision in *Quaker Action v Morton*, 516 F2d 717, 734 (D.C. Cir. 1975), that struck down as invalid the NPS regulatory restriction on the duration of demonstrations. Since then, 24/7 demonstration/vigils are a rare but regular feature in some of the Federal parks in Washington DC, which generally are never closed.

Finally, the National Park Service and United States Park Police fully agree that people have the right to protest. We also share your concern that people using parkland should also comply with applicable laws and regulations. In that regard, we have taken proactive steps as well as

distributed the Notice dated November 23, 2011 and found on our website at www.nps.gov/nama/parkmgmt/upload/FreedomPlazaMcPhersonNotification_Nov23_2011.pdf, that reminds people of the NPS camping regulation and that temporary structures may not be used for camping. In the event that voluntary compliance does not occur, consistent with First Amendment jurisprudence, the National Park Service and United States Park Police plan to take a reasoned and measured approach to achieve compliance, while hoping to avoid the civil disorder that has occurred in other jurisdictions.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661

[attachment "Clark v CCNV 468 US 288 (1988).pdf" deleted by Lisa Mendelson-Ielmini/NCR/NPS]

Carter DeWitt Good afternoon Karen,

12/02/2011 02:08:13 PM



Carter DeWitt
<cdewitt@taxfoundation.org>
12/02/2011 02:07 PM

To "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>
cc "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>, "Steve_Whitesell@nps.gov" <Steve_Whitesell@nps.gov>, "Lisa_Mendelson-Ielmini@nps.gov" <Lisa_Mendelson-Ielmini@nps.gov>, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov>, "Kathleen_Harasek@nps.gov" <Kathleen_Harasek@nps.gov>, "tonya_robinson@nps.gov" <tonya_robinson@nps.gov>
Subject RE: Occupy DC versus other park users - I count too!

Good afternoon Karen,

Than you for your response last Friday. Please send me the court ruling which you refer to below by the statement - **"the courts have ruled that temporary structures that support First Amendment activities are allowed."** I would like that case number as soon as possible. I can find no record of that, nor can the attorney in my building.

Thank you for your help in this matter.

Carter

Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

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From: Carter DeWitt

Sent: Monday, November 28, 2011 5:29 PM

To: 'Karen_Cucurullo@nps.gov'

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov;
Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov

Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - **"the courts have ruled that temporary structures that support First Amendment activities are allowed."** I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation *regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.*

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt

Washington, DC 20005

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
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Bob Vogel/NAMA/NPS
12/04/2011 01:14 PM

To "Peggy O'Dell" <Peggy_O'Dell@nps.gov>, steve@whitsell
cc
bcc
Subject Fw: Structure in McPherson Park - fyi

Fyi
Karen Cucurullo

----- Original Message -----

From: Karen Cucurullo
Sent: 12/04/2011 12:38 PM EST
To: Kathleen Harasek; Bob Vogel
Subject: Fw: Structure in McPherson Park - fyi

Baker said that it is one story about the size of a solar decathlon home, demonstrators are sitting in it, refusing to leave.

Sean Kennealy

----- Original Message -----

From: Sean Kennealy
Sent: 12/04/2011 12:01 PM EST
To: Karen Cucurullo; Steve Lorenzetti; Jorge Alvarez; Bob Vogel; Martha Ellis; Kathleen Harasek; Jennifer Talken-Spaulding; Carolyn Richard
Cc: Keith Rogers
Subject: Structure in McPherson Park - fyi

Hello everyone,

Keith Rogers contacted me regarding a structure being constructed in McPherson park this morning. It was described as a multi level structure with studs, joists and plywood.

Our weekend supervisor, Johnny Baker, was contacted to provide staff and a stakebody truck to assist the USPP in removing the structure since the organizers are refusing to do so.

Thanks, Sean

Sean Kennealy
Chief, Division of Facility Management
National Mall and Memorial Parks
Office: 202-245-4685
Fax: 202-426-0099



Karen Cucurullo/NACC/NPS
12/04/2011 01:46 PM

To "Bob Vogel" <Bob_Vogel@nps.gov>
cc
bcc
Subject Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:31 PM EST
To: USPP_Notifications@nps.gov
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:22 PM EST
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 12:37 PM EST
Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 11:50 AM EST
Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue. The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.



Karen_cucurullo@nps.com

12/06/2011 06:17 AM

To Bob_vogel@nps.gov

cc

bcc

Subject Article sent from wtop.com

I thought you might be interested in this article on wtop.com. occupy
DC

Police must give 24 hours notice to evict Occupy D.C.

<http://www.wtop.com/?nid=109&sid=2658656>



David Kamperin
<davidk@downtowndc.org>

12/12/2011 02:22 PM

To "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>

cc

bcc

Subject RE: Upcoming Safety Alliance Meeting

Thank you sir- USPP has been doing a great job, it will be civil I can assure you and won't let it get out of hand – hope here is to make it informational.... Thanks for your consideration

Dave



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

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202-661-7599 FAX
davidk@downtowndc.org

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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]

Sent: Monday, December 12, 2011 2:20 PM

To: David Kamperin; Tonya Thomas; Karen Cucurullo; Steve Lorenzetti

Subject: Re: Upcoming Safety Alliance Meeting

Dave,

Not yet sure of my schedule for that day--but if I can not personally attend, I will send a rep. Thanks for asking!

Bob

From: David Kamperin [davidk@downtowndc.org]

Sent: 12/12/2011 06:30 PM GMT

To: Bob Vogel

Subject: Upcoming Safety Alliance Meeting

Superintendent Vogel

We hold a monthly safety alliance meeting at the BID attended by property and security managers. USPP is a participant as well as other law enforcement agencies within DC. Our next meeting is Wednesday, December 21, 2011 at 1pm. As you can imagine we still get a lot of questions about the Occupy encampments and would like to know if you are a representative from NPS could attend this meeting and provide any updates or information that you could share in such a meeting. Thanks for your consideration-

Dave



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David K. Kamperin
Director of
Public Space Management

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davidk@downtowndc.org

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Karen Cucurullo/NACC/NPS
12/14/2011 06:41 AM

To "Bob Vogel" <Bob_Vogel@nps.gov>
cc
bcc
Subject Fw: [Infozone] Fwd: News clip: Fox News - Issa: \$400G in Stimulus Funds Stomped On at Occupy D.C. Park

From: David Barna [david_barna@nps.gov]
Sent: 12/13/2011 07:54 PM EST
To: Infozone News List <infozone@webmail.itc.nps.gov>
Subject: [Infozone] Fwd: News clip: Fox News - Issa: \$400G in Stimulus Funds Stomped On at Occupy D.C. Park

Print

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Issa: \$400G in Stimulus Funds Stomped On at Occupy D.C. Park

Published December 13, 2011 | FoxNews.com

ADVERTISEMENT

Rep. Darrell Issa, the chairman of the House oversight committee, is asking the Obama administration to explain how it could allow Occupy protesters to destroy \$400,000 worth of landscaping and refurbishment by setting up camp in a D.C. park. Issa wrote to Interior Secretary Ken Salazar on Tuesday requesting he reply to an eight-page letter detailing the decisions of the National Park Service to withhold evictions of protesters who had clearly set up a tent city despite NPS' rules barring camping at the park.

Issa said NPS' laxity toward enforcing its own rules has resulted in protesters killing "newly planted grass that had been funded by the stimulus" and "wasting much of the hundreds of thousands of dollars in taxpayer money used to rehabilitate McPherson Square."

"While the merits of this stimulus funding are debatable, we can all agree that once the federal government invested the funds, no government agency should have allowed it to be damaged or destroyed when it legally could have been prevented," Issa wrote.

"The National Park Service and U.S. Park Police are firmly committed to upholding Americans' First Amendment rights while also enforcing our nation's laws, guarding public safety, and protecting the resources with which we are entrusted," Adam Fetcher, a spokesman of the Interior Department said in a statement to Fox News.

"To that end, the U.S. Park Police have been working closely with the District of Columbia, the Metropolitan Police Department, the DC Department of Health and others to ensure that demonstrations associated with the 'Occupy' movement are conducted safely and in compliance with the law," the statement said.

Issa pointed to Recovery.gov, which says Fort Myer Construction Corporation was awarded \$424,600 to rehabilitate the park with new grass, concrete curbs, refurbished benches, light poles, water fountains, paint, chain fencing, trash cans and light meters.

Issa said much of the refurbishment was "damaged or destroyed" by Salazar's department permitting "illegal camping" in the park. Issa went into great detail about NPS' definition of camping, and accused NPS of rejecting its own rules by declaring the protest a "24-hour vigil" rather than camping.

"This situation raises questions about why those decisions were made, who participated in making them, and whether political judgments played a role in not enforcing the law," Issa added. The rehabilitation work was completed in Spring 2011.

Among other things, the letter asked Salazar to document communications between the Interior Department and the White House regarding the Occupy protests as well as NPS communications about its deliberations on whether to evict the demonstrators.

Last month, NPS warned the group that it would be evicted from the park, which is just blocks from the White House. D.C. police tried to forcibly remove them earlier this month when they tried to build a wooden structure without a permit.

But the protesters filed a motion with a district judge who approved an injunction to allow the group to remain in the park until it receives notice from NPS 24 hours in advance that they are to vacate. Without it, U.S. District Court Judge James Boasberg says they can not be forced to leave. He then scheduled motions for Jan. 31, allowing protesters to claim victory against any "surprise" evictions.

"We are reviewing the letter from Chairman Issa and will respond accordingly," Fetcher said.

Infozone mailing list

Infozone@webmail.itc.nps.gov

<http://webmail.itc.nps.gov/mailman/listinfo/infozone>

To

CC

bcc Bob Vogel/NAMA/NPS

Subject Fw: McPherson Park Update

A DC Fire inspector has arrived on scene and is waiting to inspect the structure. Currently, incident command is being established on 15th street and I street. The streets surrounding the park are closed. Currently, there are 5 people on the top of the structure. All D-1 Commanders are on scene.

So far, 9 arrests have been made. The last six were for crossing a police line.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:31 PM EST
To: USPP_Notifications@nps.gov
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:22 PM EST
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 12:37 PM EST
Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 11:50 AM EST
Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue . The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.



Carter DeWitt
<cdewitt@taxfoundation.org>

12/04/2011 02:45 PM

To "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>
cc "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,
bcc

Subject Re: Occupy DC versus other park users - I count too!

New permanent structure - McPherson park Sunday afternoon - what are you thinking? National park service let this aural out of control

Sent from my iPhone

On Dec 2, 2011, at 2:56 PM, "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov> wrote:

> Dear Ms. DeWitt:
> This responds to your e-mail to Deputy Superintendent Karen Cucurullo
> dated November 28, 2011, that asks about the National Park Service (NPS)
> regulation that authorizes temporary structures as well as a copy of the
> Court ruling referred to in her e-mail to you dated November 25, 2011.
>
>
> We are pleased to provide you with the information you requested. As for
> the NPS regulation on temporary structures, the introductory sentence of 36
> CFR 7.96(g)(5)(iv) specifically provides that temporary structures are
> allowed as part of a permitted demonstration "for the purpose of
> symbolizing a message or meeting logistical needs such as first aid
> facilities, lost children areas or the provision of shelter for electrical
> and other sensitive equipment or displays."
>
>
> As for the Court ruling, attached is a copy of Clark v. Community for
> Creative Non-Violence, 468 U.S. 288 (1984), where the Supreme Court upheld
> the NPS camping regulation, and noted that allowing the two symbolic tent
> cities "left the demonstration intact, with its symbolic city, signs, and
> the presence of those who were willing to take their turns in a
> day-and-night vigil." Please also note that the duration of a
> demonstration is not limited by the National Park Service's National
> Capital Region. This stems from the Court of Appeals decision in Quaker
> Action v Morton, 516 F2d 717, 734 (D.C. Cir. 1975), that struck down as
> invalid the NPS regulatory restriction on the duration of demonstrations.
> Since then, 24/7 demonstration/vigils are a rare but regular feature in
> some of the Federal parks in Washington DC, which generally are never
> closed.
>
> Finally, the National Park Service and United States Park Police fully
> agree that people have the right to protest. We also share your concern
> that people using parkland should also comply with applicable laws and
> regulations. In that regard, we have taken proactive steps as well as
> distributed the Notice dated November 23, 2011 and found on our website at
>
www.nps.gov/nama/parkmgmt/upload/FreedomPlazaMcPhersonNotification_Nov23_2011.
pdf
> , that reminds people of the NPS camping regulation and that temporary
> structures may not be used for camping. In the event that voluntary
> compliance does not occur, consistent with First Amendment jurisprudence,
> the National Park Service and United States Park Police plan to take a

> reasoned and measured approach to achieve compliance, while hoping to avoid
> the civil disorder that has occurred in other jurisdictions.

```
> Superintendent Bob Vogel  
> National Mall and Memorial Parks  
> Bob.Vogel@nps.gov
```

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> Chief Teresa C. Chambers  
> United States Park Police  
> Teresa_Chambers@nps.gov
```

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> Robert A. Vogel  
> Superintendent  
> National Mall and Memorial Parks  
> (202) 245-4661
```

> (See attached file: Clark v CCNV 468 US 288 (1988).pdf)

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> Carter DeWitt
> <cdewitt@taxfound
> ation.org>
```

> 12/02/2011 02:07
> PM

"Karen_Cucurullo@nps.gov"
<Karen_Cucurullo@nps.gov>

To

CC

```
"Bob_Vogel@nps.gov"  
<Bob_Vogel@nps.gov>,  
"Steve_Whitesell@nps.gov"  
<Steve_Whitesell@nps.gov>,  
"Lisa_Mendelson-Ielmini@nps.gov"  
<Lisa_Mendelson-Ielmini@nps.gov>,  
"Teresa_Chambers@nps.gov"  
<Teresa_Chambers@nps.gov>,  
"Kathleen_Harasek@nps.gov"  
<Kathleen_Harasek@nps.gov>,  
"tonya_robinson@nps.gov"  
<tonya_robinson@nps.gov>
```

Subject

RE: Occupy DC versus other park
users - I count too!

> Good afternoon Karen,

> Than you for your response last Friday. Please send me the court ruling
> which you refer to below by the statement - "the courts have ruled that
> temporary structures that support First Amendment activities are allowed."
> I would like that case number as soon as possible. I can find no record of



**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

**468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986**

March 21, 1984, Argued

June 29, 1984, Decided

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d 586, reversed.

DECISION:

National Park Service anti-camping regulation held constitutionally applied to Washington, D.C., demonstrators.

SUMMARY:

The Community for Creative Non-Violence and several individuals brought suit in the United States District Court for the District of Columbia to prevent the application of a National Park Service regulation, prohibiting camping in national parks except in designated campgrounds, to a proposed demonstration in Lafayette Park and the Mall, in the heart of Washington, D.C., in which demonstrators would sleep in symbolic tents to demonstrate the plight of the homeless. The District Court granted summary judgment in favor of the Park Service. The United States Court of Appeals for the District of Columbia Circuit reversed on the ground that the application of the regulation so as to prevent sleeping in the tents would infringe the demonstrators' First

Amendment right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., expressing the views of Burger, Ch. J., and Blackmun, Powell, Rehnquist, Stevens, and O'Connor, JJ., it was held that the Park Service regulation did not violate the First Amendment when applied to the demonstrators because the regulation was justified without reference to the content of the regulated speech, was narrowly tailored to serve a significant governmental interest, and left open ample alternative channels for communication of the information.

Burger, Ch. J., while concurring fully in the court's opinion, filed a concurring opinion stating that the camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the ground that the demonstrators' sleep was symbolic speech and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***LEdHN1; 1984 U.S. LEXIS 136

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***LEdHN8; 1984 U.S. LEXIS 136

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the First Amendment. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the First Amendment. Pp. 293-299.

(a) Assuming that overnight sleeping in connection

with the demonstration is expressive conduct protected to some extent by the First Amendment, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

OPINION BY: WHITE

OPINION

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[**LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid*.

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid*.

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983). ²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be

468 U.S. 288, *291; 104 S. Ct. 3065, **3068;
82 L. Ed. 2d 221, ***225; 1984 U.S. LEXIS 136

used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[***LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the First Amendment. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' First Amendment right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

3 The *per curiam* opinion preceding the individual opinions described the lineup of the

judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [***LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[***LEdHR3A] [3A] [***LEdHR4] [4] [***LEdHR5] [5]We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the First Amendment.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental

468 U.S. 288, *293; 104 S. Ct. 3065, **3069;
82 L. Ed. 2d 221, ***227; 1984 U.S. LEXIS 136

interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [*294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstrators is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital First Amendment interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6]It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B]Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding

sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [**3070] the sleeping prohibition any less a time, place, or manner regulation. To the contrary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

6 Respondents request that we remand to the

468 U.S. 288, *295; 104 S. Ct. 3065, **3070;
82 L. Ed. 2d 221, ***228; 1984 U.S. LEXIS 136

Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. 227 U. S. App. D. C., at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the country and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the First Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its

major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is safe from invalidation under the First Amendment as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[***LEdHR7A] [7A] [***LEdHR8A] [8A]We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation

468 U.S. 288, *297; 104 S. Ct. 3065, **3071;
82 L. Ed. 2d 221, ***LEdHR8A; 1984 U.S. LEXIS 136

is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [***230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [***LEdHR7B] [7B] [***LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[***LEdHR1C] [1C] [***LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties.

That interest is unrelated to suppression of expression.

8 [***LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape First Amendment condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on First Amendment concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [***231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.⁹

468 U.S. 288, *; 104 S. Ct. 3065, **3072;
82 L. Ed. 2d 221, ***231; 1984 U.S. LEXIS 136

9 We also agree with Judge Edwards' observation that "[t]o insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is
Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the First Amendment simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The First and Fourteenth Amendments, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the First Amendment." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even

by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has countless places for the kind of "statement" these respondents sought to make.

It trivializes the First Amendment to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the First Amendment claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the First Amendment remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the First Amendment. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional

468 U.S. 288, *302; 104 S. Ct. 3065, **3073;
82 L. Ed. 2d 221, ***232; 1984 U.S. LEXIS 136

protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [**303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the

Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (*CCNV I*). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to *CCNV I*. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [**304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making sleep part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless

468 U.S. 288, *304; 104 S. Ct. 3065, **3074;
82 L. Ed. 2d 221, ***234; 1984 U.S. LEXIS 136

persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded First Amendment protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for First Amendment purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the First Amendment. The Court looked first to the intent of

the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight. By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive

468 U.S. 288, *306; 104 S. Ct. 3065, **3075;
82 L. Ed. 2d 221, ***235; 1984 U.S. LEXIS 136

conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the First Amendment. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on First Amendment [*3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that such an inquiry would itself pose dangers to First Amendment values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting First Amendment rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new and disturbing into our First Amendment jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected First Amendment activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of First Amendment protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the

Spence approach is overinclusive because it accords First Amendment status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of First Amendment analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the First Amendment requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the First Amendment, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

⁶ I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [*3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the

468 U.S. 288, *308; 104 S. Ct. 3065, **3077;
82 L. Ed. 2d 221, ***236; 1984 U.S. LEXIS 136

majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the First [*309] Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the First Amendment. The First Amendment requires the Government to justify *every* instance of abridgment. That requirement stems from our oft-stated recognition that the First Amendment was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Government may have permitted out of grace but was not constitutionally

compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our Bill of Rights.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' First Amendment claims,⁷ it is utterly irrelevant to [***238] whether [**3078] the Government's ban on sleeping advances a substantial Government interest.

⁷ The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by First Amendment considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting First Amendment rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that

468 U.S. 288, *311; 104 S. Ct. 3065, **3078;
82 L. Ed. 2d 221, ***238; 1984 U.S. LEXIS 136

the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

⁸ See 47 Fed. Reg. 24301 (1982).

⁹ App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government

interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of First Amendment rights.¹⁰

¹⁰ At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions *compelling* the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to First Amendment cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of First Amendment protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of First Amendment analysis. It helps to put into operation the

468 U.S. 288, *313; 104 S. Ct. 3065, **3079;
82 L. Ed. 2d 221, ***239; 1984 U.S. LEXIS 136

well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the First Amendment into a ceiling that restricts persons to the protection of First Amendment equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).

12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 Stan. L. Rev. 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at, 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the

financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the First Amendment, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the First Amendment rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation). Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e. g., Dorsen & Gora, *Free Speech, Property, and The Burger Court: Old Values, New Balances*, 1982 S. Ct. Rev. 195; Van Alstyne, *The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court*, 43 Law & Contemp. Prob. 66 (summer 1980).

15 For a critique of the limits of the equality principle in First Amendment analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in First Amendment matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the

468 U.S. 288, *315; 104 S. Ct. 3065, **3080;
82 L. Ed. 2d 221, ***240; 1984 U.S. LEXIS 136

interests of the general public and, on the other, the interests of those who seek to use a particular forum for First Amendment activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

¹⁶ See Goldberger, *Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials*, 32 Buffalo L. Rev. 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to First Amendment interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same First Amendment claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of First Amendment rights, that facial viewpoint-neutrality

is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

¹⁷ See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution

59 Am Jur 2d, Parks, Squares, and Playgrounds 33

USCS, Constitution, 1st Amendment

US L Ed Digest, Constitutional Law 934, 960

L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution. 82 L Ed 2d 958.

> that, nor can the attorney in my building.
>
> Thank you for your help in this matter.
>
>
> Carter
> Ms. Carter DeWitt
> Vice President of Development
> Tax Foundation
> National Press Building
> 529 14th St., NW, Suite 420
> Washington, DC 20045
> (202) 464-5110 (Direct line)
> www.TaxFoundation.org
> The Tax Foundation is guided by the principles of sound tax policy --
> neutrality, simplicity, transparency, and stability
>
>
>

> From: Carter DeWitt
> Sent: Monday, November 28, 2011 5:29 PM
> To: 'Karen_Cucurullo@nps.gov'
> Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov;
> Lisa_Mendelson-Telmini@nps.gov; Teresa_Chambers@nps.gov;
> Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
> Subject: RE: Occupy DC versus other park users - I count too!
>
>
>
> Thank you for your response. I found it inaccurate in claiming to follow
> the letter of the law - -
>
> I certainly appreciate the right to protest under constitutional law -
> however, this right does not supersede current laws requiring permits or
> acts already prohibited by federal regulation etc. Federal law prohibits
> camping overnight in the McPherson Square Park - period. This OCCUPY camp
> by federal regulations definition is not a protest - but a newly formed
> shanty town.
>
> Please send me the court ruling which you refer to below by the statement -
> "the courts have ruled that temporary structures that support First
> Amendment activities are allowed." I would like that as soon as possible as
> we are taking further action.
>
> According to The Code of Federal regulations, Title 36, Parks, Forests, and
> Public property - temporary structures may not be used outside designated
> camping areas (McPherson Square does not have a federally designated
> camping area) for living accommodation activities such as sleeping, or
> making preparations to sleep including the laying down of beddings for the
> purpose of sleep, or storing personal belongings or making fire, or ... the
> above listed activities constitute camping when it reasonably appears in
> light of all the circumstance, that the participants in conducting these
> activities are in fact using this as a living accommodation regardless of
> the intent of the participants or the nature of any other activities in
> which they may also be engaging.
>
> They can certainly protest, they can get a permit and march or picket - but
> they cannot camp in a federal park that is not specially designated for
> camping.
>
> Carter



Karen Cucurullo/NACC/NPS
12/04/2011 04:55 PM EST

To "Bob Vogel" <Bob_Vogel@nps.gov>, "Sean Kennealy"
<sean_kennealy@nps.gov>

cc

bcc

Subject Update

DC Inspector has deemed the structure unsafe, structure is condemned.



Karen Cucurullo/NACC/NPS
12/04/2011 09:19 PM EST

To "Bob Vogel" <Bob_Vogel@nps.gov>, "Sean Kennealy"
<sean_kennealy@nps.gov>

cc

bcc

Subject ~~Structure~~ is down

By way of forklift, we have about twenty guys at site to remove it from the site.



Karen Cucurullo/NACC/NPS
12/04/2011 07:48 PM EST

To "Bob Vogel" <Bob_Vogel@nps.gov>
cc
bcc
Subject One more to get off

But he tied himself onto the structure.



Karen Cucurullo/NACC/NPS
12/04/2011 12:38 PM EST

To Kathleen Harasek/USPP/NPS, "Bob Vogel"
<Bob_Vogel@nps.gov>

cc

bcc

Subject Fw: Structure in McPherson Park - fyi

Baker said that it is one story about the size of a solar decathlon home, demonstrators are sitting in it, refusing to leave.

Sean Kennealy

----- Original Message -----

From: Sean Kennealy
Sent: 12/04/2011 12:01 PM EST
To: Karen Cucurullo; Steve Lorenzetti; Jorge Alvarez; Bob Vogel; Martha Ellis; Kathleen Harasek; Jennifer Talken-Spaulding; Carolyn Richard
Cc: Keith Rogers
Subject: Structure in McPherson Park - fyi

Hello everyone,

Keith Rogers contacted me regarding a structure being constructed in McPherson park this morning. It was described as a multi level structure with studs, joists and plywood.

Our weekend supervisor, Johnny Baker, was contacted to provide staff and a stakebody truck to assist the USPP in removing the structure since the organizers are refusing to do so.

Thanks, Sean

Sean Kennealy
Chief, Division of Facility Management
National Mall and Memorial Parks
Office: 202-245-4685
Fax: 202-426-0099



Karen Cucurullo/NACC/NPS
12/04/2011 01:46 PM EST

To "Bob Vogel" <Bob_Vogel@nps.gov>
cc
bcc
Subject Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:31 PM EST
To: USPP_Notifications@nps.gov
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 01:22 PM EST
Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 12:37 PM EST
Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 11:50 AM EST
Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue. The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.

Osborne Reaves/USPP/NPS

12/04/2011 03:41 PM

To

cc

bcc Bob Vogel/NAMA/NPS

Subject Fw: McPherson Park Update

NPS has responded to set up bike racks in place of the police tape.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 02:25 PM EST

Subject: Fw: McPherson Park Update

A DC Fire inspector has arrived on scene and is waiting to inspect the structure. Currently, incident command is being established on 15th street and I street. The streets surrounding the park are closed. Currently, there are 5 people on the top of the structure. All D-1 Commanders are on scene.

So far, 9 arrests have been made. The last six were for crossing a police line.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 01:31 PM EST

To: USPP_Notifications@nps.gov

Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

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Sent: 12/04/2011 01:22 PM EST

Subject: Fw: McPherson Park

Osborne Reaves

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Carter DeWitt
<cdewitt@taxfoundation.org>
12/07/2011 05:52 PM

To "Bob_Vogel@nps.gov" <Bob_Vogel@nps.gov>
cc "Karen_Cucurullo@nps.gov" <Karen_Cucurullo@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,
bcc

Subject RE: Occupy DC versus other park users - I count too!

Mr. Vogel,

Thank you for your response. This isn't an us against them issue - this is about respecting one another and all of us being able to use the park. I cannot understand why you allow them to take over the whole park. If I want to sit on my normal bench as I did every Saturday and read before this debacle - may I be afforded the same right to space? Will you remove them for me for a few hours on Saturday?

You must be aware that 95% of the temporary structures are for camping (sleeping purposes) - and the Washington Post reported today that no permit for protesting purposes has been issued. So the 30 year old court cases you refer to are not the same. Those cases had permits. From the Post:

"On Monday, a U.S. District judge ruled that the National Park Service must give protesters some notice if it moves to evict them, except for in emergency situations. A protester had sought the ruling clarifying his rights if the National Park Service decides to evict protesters, who have been camping at McPherson Square without a permit since Oct. 1."

By your delay, another layer of trouble to return our park to its former beauty ahas been added to the mix. I hope that you will take the steps necessary to evict them. It is one thing to claim a peaceable vigil - but they cannot claim peace as they have caused physical damage to the park.

What is the expected cost of repair to McPherson Park when they leave?

In the past court cases you mentioned, the vigil area did not negate those parks from being used by others. Occupy DC is a shanty town born upon the backs of hard working tax paying citizens. Those who support the park with tax dollars cannot use the park. Where is the justice for us in this?

Please understand, although many of the inhabitants are non violent- just disrespectful of others, some are. I have been spit on twice - once when I wore my evening dress as I headed to an event and once in my coat which had fur and offended them. I have seen them stealing at area stores.

My understanding is that to show it is a vigil and symbolic camping - and not sleeping quarters - they are required to move the tents on a regular basis. This has not happened once. Make them move all tents and take back a portion of the park so residents can use it as well.

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)

www.TaxFoundation.org

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-----Original Message-----

From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Friday, December 02, 2011 2:52 PM
To: Carter DeWitt
Cc: Karen_Cucurullo@nps.gov; Kathleen_Harasek@nps.gov;
Lisa_Mendelson-Ielmini@nps.gov; Steve_Whitesell@nps.gov;
Teresa_Chambers@nps.gov; tonya_robinson@nps.gov
Subject: RE: Occupy DC versus other park users - I count too!

Dear Ms. DeWitt:

This responds to your e-mail to Deputy Superintendent Karen Cucurullo dated November 28, 2011, that asks about the National Park Service (NPS) regulation that authorizes temporary structures as well as a copy of the Court ruling referred to in her e-mail to you dated November 25, 2011.

We are pleased to provide you with the information you requested. As for the NPS regulation on temporary structures, the introductory sentence of 36 CFR 7.96(g)(5)(iv) specifically provides that temporary structures are allowed as part of a permitted demonstration "for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays."

As for the Court ruling, attached is a copy of *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1984), where the Supreme Court upheld the NPS camping regulation, and noted that allowing the two symbolic tent cities "left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil." Please also note that the duration of a demonstration is not limited by the National Park Service's National Capital Region. This stems from the Court of Appeals decision in *Quaker Action v Morton*, 516 F2d 717, 734 (D.C. Cir. 1975), that struck down as invalid the NPS regulatory restriction on the duration of demonstrations.

Since then, 24/7 demonstration/vigils are a rare but regular feature in some of the Federal parks in Washington DC, which generally are never closed.

Finally, the National Park Service and United States Park Police fully agree that people have the right to protest. We also share your concern that people using parkland should also comply with applicable laws and regulations. In that regard, we have taken proactive steps as well as distributed the Notice dated November 23, 2011 and found on our website at www.nps.gov/nama/parkmgmt/upload/FreedomPlazaMcPhersonNotification_Nov23_2011.pdf

, that reminds people of the NPS camping regulation and that temporary structures may not be used for camping. In the event that voluntary compliance does not occur, consistent with First Amendment jurisprudence, the National Park Service and United States Park Police plan to take a reasoned and measured approach to achieve compliance, while hoping to avoid the civil disorder that has occurred in other jurisdictions.

Superintendent Bob Vogel
National Mall and Memorial Parks

Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661

(See attached file: Clark v CCNV 468 US 288 (1988).pdf)

Carter DeWitt
<cdewitt@taxfound
ation.org>

12/02/2011 02:07
PM

"Karen_Cucurullo@nps.gov"
<Karen_Cucurullo@nps.gov>

To

CC

"Bob_Vogel@nps.gov"
<Bob_Vogel@nps.gov>,
"Steve_Whitesell@nps.gov"
<Steve_Whitesell@nps.gov>,
"Lisa_Mendelson-Ielmini@nps.gov"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,
"tonya_robinson@nps.gov"
<tonya_robinson@nps.gov>

Subject

RE: Occupy DC versus other park
users - I count too!

Good afternoon Karen,

Thank you for your response last Friday. Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that case number as soon as possible. I can find no record of that, nor can the attorney in my building.

Thank you for your help in this matter.

Carter

Ms. Carter DeWitt
Vice President of Development
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Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

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neutrality, simplicity, transparency, and stability

From: Carter DeWitt
Sent: Monday, November 28, 2011 5:29 PM
To: 'Karen_Cucurullo@nps.gov'
Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov;
Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov;
Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the
letter of the law - -

I certainly appreciate the right to protest under constitutional law -
however, this right does not supersede current laws requiring permits or acts
already prohibited by federal regulation etc. Federal law prohibits camping
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sleep, or storing personal belongings or making fire, or ... the above listed
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using this as a living accommodation regardless of the intent of the
participants or the nature of any other activities in which they may also be
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-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]

Sent: Friday, November 25, 2011 12:18 PM

To: Carter DeWitt

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov;

Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov;

Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov

Subject: Fw: Occupy DC versus other park users - I count too!

Ms Dewitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>; Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get

to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt

Washington, DC 20005

Carter

Ms. Carter DeWitt

Vice President of Development

Tax Foundation

National Press Building

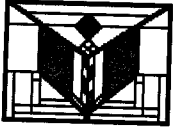
529 14th St., NW, Suite 420

Washington, DC 20045

(202) 464-5110 (Direct line)

www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability



Steve Lorenzetti/NACC/NPS

10/10/2011 08:24 PM

To "Bob Vogel" <bob_vogel@nps.gov>, "Karen Cucurullo" <karen_cucurullo@nps.gov>, "Carol Johnson" <carol_b_johnson@nps.gov>, "Bill Line"

cc

bcc

Subject Fw: Permit

See below for an update on the Freedom Plaza permit issue. The protesters seem to more interested in extending the permit rather than being arrested. The permit situation looks good until Saturday when the Mayor's Office has a permit.

Carol, I want to get with you, Bill and Marisa first thing Tuesday to discuss a press release on this issue. There are already press stories claiming we have issued a 4 month extension.

Steve

Sent from Steve's BlackBerry

Charles Guddemi

----- Original Message -----

From: Charles Guddemi

Sent: 10/10/2011 08:12 PM EDT

To: Steve Lorenzetti

Subject: Fw: Permit

----- Forwarded by Charles Guddemi/USPP/NPS on 10/10/2011 08:12 PM -----

Marisa

Richardson/NACC/NPS

10/10/2011 07:51 PM

To "Margaret Flowers" <mdpnhp@gmail.com>

cc "Christopher Cunningham"

<christopher_cunningham@nps.gov>, "Robbin Owen"

<robbin_owen@nps.gov>, "Leonard Lee"

<Leonard_Lee@nps.gov>, "William Line"

<William_Line@nps.gov>, "Karen Cucurullo"

<Karen_Cucurullo@nps.gov>, "Charles Guddemi"

<Charles_Guddemi@nps.gov>

Subject Re: Permit

Hi Margaret

Thank you for the information. I will contact you in the morning in regards to the request.

Thank You

Marisa

From: Margaret Flowers [mdpnhp@gmail.com]

Sent: 10/10/2011 07:25 PM AST

To: Marisa Richardson

Subject: Permit

Dear Marisa,

Thank you for your willingness to work with us. We appreciate the respect that you and your colleagues have shown us.

Kevin and I would like to request an extension of our current permit for Freedom Plaza for the maximum period of time with the same conditions that we have in the current permit. Please let me know if this is a possibility and what we need to do to make this happen.

Best regards,
Margaret

--

Margaret Flowers M.D.
Congressional Fellow
Physicians for a National Health Program
410-591-0892
mdpnhp@gmail.com
www.md.pnhp.org



"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>
>

10/11/2011 10:16 AM

To "Barna, David" <David_Barna@nps.gov>, "Waldron, Suzanne" <Sue_Waldron@nps.gov>, "Line, William" <William_Line@nps.gov>, "Foster, Maureen" <Maureen_Foster@nps.gov>
cc "Lee-Ashley, Matt" <Matt_Lee-Ashley@ios.doi.gov>, "Kelly, Kate P" <Kate_Kelly@ios.doi.gov>
bcc

Subject DC protest permit

Good morning everyone. Wanted to check in on the Freedom Plaza permit issue.

cc. Please send an update.

Thanks,
Adam

WaPo: Protesters try to extend stay in Freedom Plaza

By Teresa Tomassoni and Annie Gowen, Published: October 10

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The National Park Service, which grants permits for use of federal parkland, did not see it the same way.

The Park Service had met with organizers of the Stop the Machine group, which has camped since Thursday in the plaza just east of the White House.

But, said Park Service spokesman Bill Line, "nothing was agreed upon."

Margaret Flowers said she understood that the group had been told it could stay for four more months.

Line said there were informal talks about the possibilities of extending the permit. "Nothing was finalized," he said.

Permits have been granted for use of the plaza by other groups, he said. The parties to Monday's meeting left with the understanding that efforts would be made to see what could be arranged.

Flowers said the group would take pains to accommodate other organizations that have plans to

use the plaza in the coming weeks.

Many in the group expected a different outcome. Some thought that the permit expired late Sunday and that they would need to be gone by Monday afternoon. On Monday, Flowers said, Park Police officers told them their permit actually expired Monday night.

When expulsion was thought to be imminent, some said they were determined to stay or be arrested. Anne Wright had her attorney's number written on her arm Monday.

"We'll go out nonviolently kicking and screaming," she said from a wicker chair.

"We bought one-way tickets," said Don Anderson, a Vietnam War veteran who was camping at Freedom Plaza with a friend from Los Angeles. Anderson, who is paralyzed from the waist down and spoke from a wheelchair, said he will protest until he sees improvement in the government's handling of veterans' affairs.

The Stop the Machine group has made statements similar to the demands voiced by other groups — such as Occupy Wall Street and Occupy D.C. — that have set up in cities around the country. Protesters have expressed frustration with war, the economy and other issues.

Not far from Freedom Plaza, another protest has grown steadily in McPherson Square. In the 10 days since the Occupy D.C. group set up camp there, it has grown from a handful of protesters waving cardboard signs along K Street to a full-fledged encampment.

More than 100 people attend twice-daily general assembly meetings. Dozens have spent nights on air mattresses and in sleeping bags, then turned out for daily marches to the White House and elsewhere.

Group meetings and decision making also have taken root in Freedom Plaza. When the Park Police arrived Monday afternoon, they asked to speak with Flowers alone; she declined. She held a group meeting, whose members eventually agreed Flowers and another organizer, Kevin Zeese, could meet with police privately.

"They've been good to us so far," Zeese said of the Park Police.

After the conversation with police, Flowers called another meeting. Members "were happy about" what they took to be the extended permit, Flowers said, though some insisted that, under the Constitution, "it was our right to to be here in the beginning."

Occupy D.C. does not have a permit to occupy McPherson Square, but members say police have left them alone so far. "No one has any plans to ask for a permit — or to leave," said Legba Carrefour, a self-described anarchist. "We haven't had any problems with police."

Staff writer Sylvia Carignan contributed to this report.

DCist: Morning Roundup: Negotiation Edition

Good morning, Washington. Last night, negotiations between protesters inside Freedom Plaza, the National Park Service and Park Police resulted in an invitation to stay -- but it's unclear for how long. Reports indicate that while nothing's official yet, the protest's organizers were under the impression that they'd be permitted to stay inside the Plaza for another four months; the National Park Service wouldn't confirm that, but did say that there were discussions about accommodating the group, despite other groups' permits to use the space. The negotiations here in D.C. stand in stark contrast to what went down in Boston last night, as police and Occupy protesters dramatically faced off in Dewey Square, with 100 eventually being arrested and cops being recorded knocking over veterans.



Maureen Foster/WASO/NPS

10/11/2011 10:20 AM

To "Adam Fetcher" <Adam_Fetcher@ios.doi.gov>, David Barna/WASO/NPS@NPS, Sue Waldron/WASO/NPS@NPS, William Line/NCR/NPS@NPS
cc "Matt Lee-ashley" <Matt_Lee-Ashley@ios.doi.gov>, "Katherine Kelly" <Kate_Kelly@ios.doi.gov>, "Alexa Viets" <Alexa_Viets@nps.gov>

bcc

Subject Re: DC protest permit

We are getting a briefing paper from the regional office and USPP today. We will also be adding it to the Hot Topics on Wednesday.

We will share that paper after we have reviewed it.

Maureen

Maureen D. Foster
202.208.5970

From: "Fetcher, Adam K" [Adam_Fetcher@ios.doi.gov]
Sent: 10/11/2011 10:16 AM AST
To: David Barna; Sue Waldron; William Line; Maureen Foster
Cc: Matt Lee-ashley; Katherine Kelly
Subject: DC protest permit

Good morning everyone. Wanted to check in on the Freedom Plaza permit issue. Do you anticipate resolution to this issue today? Clearly there is some confusion about what the future of this permit will be. Please send an update.

Thanks,
Adam

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By Teresa Tomassoni and Annie Gowen, Published: October 10

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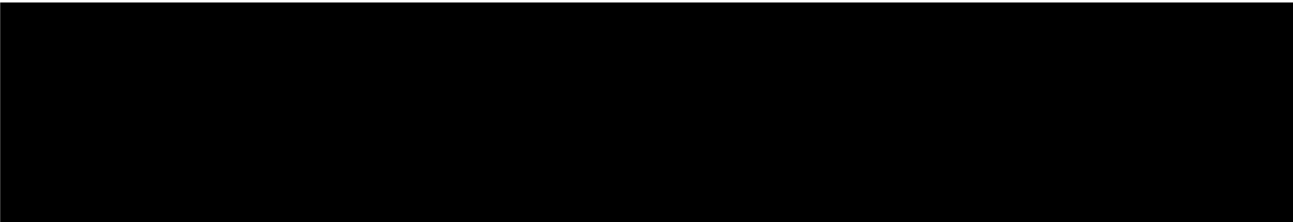
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"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>
>
10/11/2011 11:29 AM

To "Viets, Alexa" <Alexa_Viets@nps.gov>
cc "Barna, David" <David_Barna@nps.gov>, "Kelly, Kate P" <Kate_Kelly@ios.doi.gov>, "Lee-Ashley, Matt" <Matt_Lee-Ashley@ios.doi.gov>, "Foster, Maureen"
bcc
Subject RE: DC protest permit



-----Original Message-----
From: Fetcher, Adam K
Sent: Tuesday, October 11, 2011 10:51 AM
To: 'Alexa_Viets@nps.gov'
Cc: Barna, David; Kelly, Kate P; Lee-Ashley, Matt; Foster, Maureen; Waldron, Suzanne; Line, William
Subject: RE: DC protest permit

30 minutes. Just one line like the below would be outstanding.

-----Original Message-----
From: Alexa_Viets@nps.gov [mailto:Alexa_Viets@nps.gov]
Sent: Tuesday, October 11, 2011 10:39 AM
To: Fetcher, Adam K
Cc: Barna, David; Kelly, Kate P; Lee-Ashley, Matt; Foster, Maureen; Waldron, Suzanne; Line, William
Subject: RE: DC protest permit

Adam,

I am helping to coordinate the updates from the park and from USPP. What would be your deadline for the press briefing?

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144

"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>

10/11/2011 10:25
AM AST

To
"Foster, Maureen"
<Maureen_Foster@nps.gov>, "Barna, David" <David_Barna@nps.gov>, "Waldron, Suzanne"

<Sue_Waldron@nps.gov>, "Line,
William" <William_Line@nps.gov>
"Lee-Ashley, Matt" CC
<Matt_Lee-Ashley@ios.doi.gov>,
"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>, "Viets,
Alexa" <Alexa_Viets@nps.gov>
Subject
RE: DC protest permit

Thanks Maureen. [REDACTED]

...that would be great.

From: Maureen_Foster@nps.gov [mailto:Maureen_Foster@nps.gov]
Sent: Tuesday, October 11, 2011 10:21 AM
To: Fetcher, Adam K; Barna, David; Waldron, Suzanne; Line, William
Cc: Lee-Ashley, Matt; Kelly, Kate P; Viets, Alexa
Subject: Re: DC protest permit

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Maureen

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202.208.5970

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Cc: Matt Lee-ashley; Katherine Kelly
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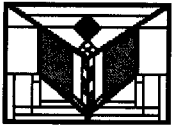
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Alexa Viets/ROCR/NPS
10/11/2011 12:36 PM

To "Bill Line" <William_Line@nps.gov>, "Steve Lorenzetti"
<Steve_Lorenzetti@nps.gov>
cc "Lisa Mendelson-Ielmini"
<Lisa_Mendelson-Ielmini@nps.gov>
bcc

Subject Fw: Fw: DC protest permit

How would you like us to respond?

Alexa Viets
National Park Service
(202) 501-7144

----- Original Message -----

From: "Fetcher, Adam K" [Adam_Fetcher@ios.doi.gov]
Sent: 10/11/2011 12:24 PM AST
To: Alexa Viets
Cc: Maureen Foster; Jon Jarvis
Subject: RE: Fw: DC protest permit

Thanks Alexa. Are Bill Line and your press folks going to begin confirming this with reporters?

-----Original Message-----

From: Alexa_Viets@nps.gov [mailto:Alexa_Viets@nps.gov]
Sent: Tuesday, October 11, 2011 12:20 PM
To: Fetcher, Adam K
Cc: Foster, Maureen; Jarvis, Jon
Subject: Fw: Fw: DC protest permit

Adam,

Ok, we understand the time line was tight. Here is a more specific update, FYI. As Maureen indicated, we'll send you a more complete briefing later today.

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144

----- Original Message -----

From: Steve Lorenzetti
Sent: 10/11/2011 12:10 PM EDT
To: Alexa Viets
Cc: Lisa Mendelson-Ielmini
Subject: Re: Fw: DC protest permit

Alexa,

We were just able to confirm the following quote

"The National Park Service and the October 6th Coalition have agreed that the permit will be issued for an extended time period, not to exceed four months and not to include dates requested by other permitted events or permit applications that are still pending."

steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309

Alexa
Viets/ROCR/NPS

10/11/2011 12:03
PM

To
"Steve Lorenzetti"
<Steve_Lorenzetti@nps.gov>, "Lisa
Mendelson-Telmini"
<Lisa_Mendelson-Telmini@nps.gov>
cc

Subject
Fw: DC protest permit

Alexa Viets
National Park Service
(202) 501-7144

----- Original Message -----

From: "Fetcher, Adam K" [Adam_Fetcher@ios.doi.gov]

Sent: 10/11/2011 11:29 AM AST

To: Alexa Viets

Cc: David Barna; Katherine Kelly; Matt Lee-ashley; Maureen Foster; Sue
Waldron; William Line

Subject: RE: DC protest permit

-----Original Message-----

From: Fetcher, Adam K
Sent: Tuesday, October 11, 2011 10:51 AM
To: 'Alexa_Viets@nps.gov'
Cc: Barna, David; Kelly, Kate P; Lee-Ashley, Matt; Foster, Maureen;
Waldron, Suzanne; Line, William
Subject: RE: DC protest permit

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"Waldron, Suzanne"
<Sue_Waldron@nps.gov>, "Line,
William" <William_Line@nps.gov>

cc

"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>,
"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>, "Viets,
Alexa" <Alexa_Viets@nps.gov>
Subject

RE: DC protest permit



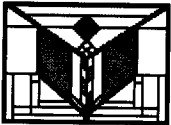
Lisa
Mendelson-Ielmini/NCR/NPS
10/11/2011 12:10 PM

To Alexa Viets/ROCR/NPS@NPS
cc "Steve Lorenzetti" <Steve_Lorenzetti@nps.gov>,
William_Line@nps.gov, David Schlosser/USPP/NPS@NPS
bcc
Subject Re: Fw: DC protest permit

Just spoke w/ Bill Line and Dave Schlosser/USPP -- fine with this line....

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]

Alexa Viets/ROCR/NPS



Alexa Viets/ROCR/NPS
10/11/2011 12:03 PM

To "Steve Lorenzetti" <Steve_Lorenzetti@nps.gov>, "Lisa
Mendelson-Ielmini" <Lisa_Mendelson-Ielmini@nps.gov>
cc
Subject Fw: DC protest permit

Alexa Viets
National Park Service
(202) 501-7144

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To: Alexa Viets
Cc: David Barna; Katherine Kelly; Matt Lee-ashley; Maureen Foster; Sue
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Subject: RE: DC protest permit

[REDACTED]

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cc
"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>,
"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>, "Viets,
Alexa" <Alexa_Viets@nps.gov>

Subject
RE: DC protest permit

Thanks Maureen. [REDACTED]



Lisa
Mendelson-Ielmini/NCR/NPS

10/11/2011 12:46 PM

To Alexa Viets/ROCR/NPS@NPS

cc "Steve Lorenzetti" <Steve_Lorenzetti@nps.gov>, "Bill Line"
<William_Line@nps.gov>, David
Schlosser/USPP/NPS@NPS, david_barna@nps.gov

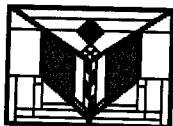
bcc

Subject Re: Fw: Fw: DC protest permit

Alexa -- Current plan, just discussed w/ David Barna, is to release this afternoon a statement outlining the permitting process. Drafting of the statement has begun. Intent is to make afternoon news cycle. Will share draft. Thanks.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]

Alexa Viets/ROCR/NPS



Alexa Viets/ROCR/NPS

10/11/2011 12:36 PM

To "Bill Line" <William_Line@nps.gov>, "Steve Lorenzetti"
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cc "Lisa Mendelson-Ielmini"
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Sent: 10/11/2011 12:24 PM AST

To: Alexa Viets

Cc: Maureen Foster; Jon Jarvis

Subject: RE: Fw: DC protest permit

Thanks Alexa. Are Bill Line and your press folks going to begin confirming this with reporters?

-----Original Message-----

From: Alexa_Viets@nps.gov [mailto:Alexa_Viets@nps.gov]

Sent: Tuesday, October 11, 2011 12:20 PM

To: Fetcher, Adam K

Cc: Foster, Maureen; Jarvis, Jon

Subject: Fw: Fw: DC protest permit



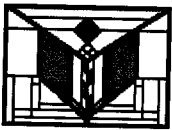
Lisa
Mendelson-Ielmini/NCR/NPS
10/11/2011 12:48 PM

To William_Line@nps.gov, David Schlosser/USPP/NPS@NPS
cc
bcc
Subject new information - Freedom Plaza

an update on language and status

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 10/11/2011 12:47 PM -----



Steve Lorenzetti/NACC/NPS
10/11/2011 12:10 PM

To Alexa Viets/ROCR/NPS@NPS
cc "Lisa Mendelson-Ielmini"
<Lisa_Mendelson-Ielmini@nps.gov>
Subject Re: Fw: DC protest permit [REDACTED]

Alexa,

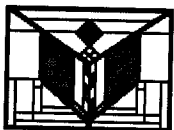
We were just able to confirm the following quote

"The National Park Service and the October 6th Coalition have agreed that the permit will be issued for an extended time period, not to exceed four months and not to include dates requested by other permitted events or permit applications that are still pending."

steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309

Alexa Viets/ROCR/NPS



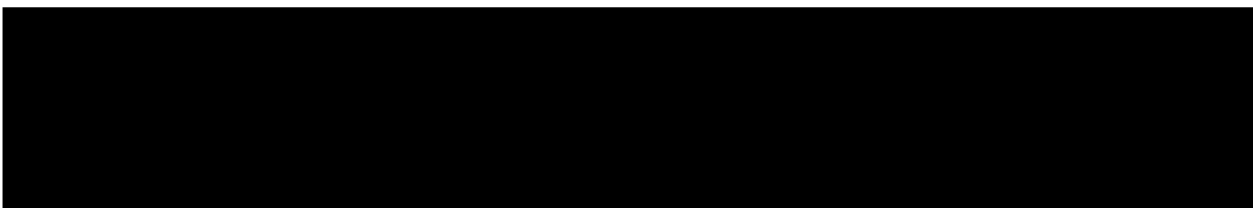
Alexa Viets/ROCR/NPS
10/11/2011 12:03 PM

To "Steve Lorenzetti" <Steve_Lorenzetti@nps.gov>, "Lisa
Mendelson-Ielmini" <Lisa_Mendelson-Ielmini@nps.gov>
cc
Subject Fw: DC protest permit

Alexa Viets
National Park Service
(202) 501-7144

----- Original Message -----

From: "Fetcher, Adam K" [Adam_Fetcher@ios.doi.gov]
Sent: 10/11/2011 11:29 AM AST
To: Alexa Viets
Cc: David Barna; Katherine Kelly; Matt Lee-ashley; Maureen Foster; Sue Waldron; William Line
Subject: RE: DC protest permit



-----Original Message-----

From: Fetcher, Adam K
Sent: Tuesday, October 11, 2011 10:51 AM
To: 'Alexa_Viets@nps.gov'
Cc: Barna, David; Kelly, Kate P; Lee-Ashley, Matt; Foster, Maureen; Waldron, Suzanne; Line, William
Subject: RE: DC protest permit

30 minutes. Just one line like the below would be outstanding.

-----Original Message-----

From: Alexa_Viets@nps.gov [mailto:Alexa_Viets@nps.gov]
Sent: Tuesday, October 11, 2011 10:39 AM
To: Fetcher, Adam K
Cc: Barna, David; Kelly, Kate P; Lee-Ashley, Matt; Foster, Maureen; Waldron, Suzanne; Line, William
Subject: RE: DC protest permit

Adam,

I am helping to coordinate the updates from the park and from USPP. What would be your deadline for the press briefing?

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144



**Lisa
Mendelson-Ielmini/NCR/NPS**

10/11/2011 02:32 PM

To William_Line@nps.gov

cc

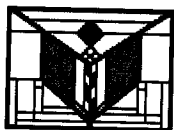
bcc

Subject Fw: update requested - dwntrn protests

The October 6th paper may be of assistance to you....

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 10/11/2011 02:32 PM -----



Steve Lorenzetti/NACC/NPS

10/11/2011 12:56 PM

To Alexa Viets/ROCR/NPS@NPS

cc Bob Vogel/GRTE/NPS@NPS, Karen
Cucurullo/NACC/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, Maureen
Foster/WASO/NPS@NPS, Peggy O'Dell/WASO/NPS@NPS,
Steve Whitesell/WASO/NPS@NPS

Subject Re: update requested - dwntrn protests [icon]

Alexa,

Here are briefing papers for both MLK, and Freedom Plaza and McPherson Square.

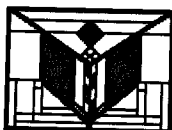
steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309



MLK Briefing Paper 2011-10-11.doc October 6th Coalition Briefing Paper 2011-10-11.docx

Alexa Viets/ROCR/NPS

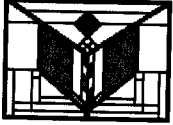


Alexa Viets/ROCR/NPS

10/11/2011 10:25 AM

To Steve Whitesell/WASO/NPS@NPS

cc Lisa Mendelson-Ielmini/NCR/NPS@NPS, Bob
Vogel/GRTE/NPS@NPS, Karen
Cucurullo/NACC/NPS@NPS, Steve



Lorenzetti/NACC/NPS@NPS, Peggy
O'Dell/WASO/NPS@NPS, Maureen
Foster/WASO/NPS@NPS
Subject update requested - dwntn protests

Hi Steve,

Jon would like an update on the on-going Occupy DC demonstrations. Can you share with us the status of any current permits, if additional permits are anticipated and include an update from USPP as to any activity, issues or mobilization plans?

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144

BUREAU: National Park Service
MEMBER: Eleanor Holmes-Norton
ISSUE: October 6th Coalition at Freedom Plaza and Occupy DC at McPherson Square

Key Points:

- On June 2, 2011, the October 6th Coalition submitted two applications for permits to conduct a rally for peace at Freedom Plaza and Lafayette Park for October 5-6, 2011.
- On June 15, 2011 the original application dates were amended to October 5-10, 2011.
- The permit was issued for the use of Freedom Plaza and Lafayette Park on October 3, 2011.
- The permit expired on October 10, 2011 at 10:00 pm.
- The October 6th Coalition permit holders requested an amendment to extend their current application for the maximum time allotted. The maximum time allotted is four months.
- No application was ever received from Occupy DC for McPherson Square. A demonstration can occur at McPherson Square without a permit as long as the demonstration does not exceed 500 people. On October 7 there were a few hundred demonstrators on the site.

Background:

- The Permits Management Division and the United States Park Police (USPP) met with the organizers on September 13 and September 21 to discuss the perimeters of the permit.
- Permits Management and USPP met with the October 6th Coalition permit holder on October 10 to discuss contingency plans resulting from the permit expiring at 10 pm that day.
- The permittee indicated that they intended to stay at Freedom Plaza with or without a permit.
- All options were discussed relating to an extension of their permit.
- The October 6th Coalition was informed that there were pending applications for Freedom Plaza and in some cases issued permits. The permittee agreed to make space available for other permitted activities to occur at Freedom Plaza.
- The Permittee was informed that an organization can hold a permit for a four-month timeframe.

Current Status:

- The Permits Management Division and the October 6th Coalition have agreed to extend the current permit, but excluding dates with either a pending application or permitted activity.
- United States Park Police is monitoring the activity at McPherson Square.
- The Permits Management Division has contacted pending applicants to inform them of the current use of Freedom Plaza by the October 6th Coalition as well as to ascertain their interest in having a finalized permit.
- The Permits Management Division will brief Occupy DC on the permit requirements for McPherson Square if their numbers exceed 500 demonstrators. The Permits Management Division and the USPP will continue to monitor the situation at McPherson Square.

Prepared by: Superintendent Bob Vogel, National Mall and Memorial Parks, (202) 245-4661
Date: October 11, 2011



David Barna/WASO/NPS

10/11/2011 02:52 PM

To david_barna@nps.gov, adam_fetcher@ios.doi.gov,
william_line@nps.gov, Alexa Viets/ROCR/NPS@NPS, Carol
B Johnson/NACC/NPS@NPS, Jeffrey Olson/WASO/NPS,

cc

bcc

Subject some thoughts on first amendment demonstrations - just
some rambling to keep in your back pocket.

For nearly 100 years, it has been the mission of the National Park Service to not only preserve and protect our nation's natural and historic resources, but also to make those areas available for use by all Americans. On occasion, that use transcends mere education or recreation, as evidenced by the recent rally of the *October 6th Coalition* in Washington, DC.

National parks provide a forum in which citizens can exercise their constitutional rights, including the freedom of speech and assembly. The United States Constitution guarantees everyone the right to speak freely and to assemble peaceably, regardless of the content of their message.

In approving the request of the *October 6th Coalition* to demonstrate in Washington, DC, the National Park Service is not condoning the message being delivered by their members. Rather, we are providing an arena in which they can deliver their message, the validity of which will ultimately be decided by those who hear it.

And of course we are providing the opportunity for those with a dissenting point of view to make their beliefs known as well.

The National Park Service hosts hundreds of First Amendment activities each year at its nearly 400 sites across the country. Though the messages delivered are as diverse as the parks that host them, the one constant is that each of those assemblies is a living, breathing example of our nation's democratic ideals and freedoms.

The management of the National Park Service has worked diligently in planning for these First Amendment activities to ensure that everyone, visitors and demonstrators alike, will find a safe atmosphere in which to visit.



Lisa
Mendelson-Ielmini/NCR/NPS
10/11/2011 03:56 PM

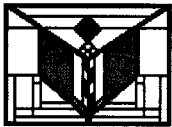
To William_Line@nps.gov
cc
bcc
Subject alexa cell phone # fyi

History: This message has been replied to.

Alexa's cell phone # is below

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 10/11/2011 03:56 PM -----



Alexa Viets/ROCR/NPS
10/11/2011 03:52 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS
cc
Subject Re: Lisa, Bill - question about - DC protest permit

No problem. I got your voicemail message. For future reference, my cell is [REDACTED]

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144
Lisa Mendelson-Ielmini

----- Original Message -----

From: Lisa Mendelson-Ielmini
Sent: 10/11/2011 03:46 PM EDT
To: Alexa Viets

Subject: Re: Lisa, Bill - question about - DC protest permit

Thanks much Alexa.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

Alexa Viets/ROCR/NPS



Alexa Viets/ROCR/NPS
10/11/2011 03:20 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS
cc
Subject Re: Lisa, Bill - question about - DC protest permit



Yes, we are sending updates to Adam shortly. When we had a chance to update Jon he wanted to wait on PR.

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144
Lisa Mendelson-Ielmini

----- Original Message -----

From: Lisa Mendelson-Ielmini
Sent: 10/11/2011 03:14 PM EDT
To: Alexa Viets

Subject: Fw: Lisa, Bill - question about - DC protest permit

Just closing the loop - heard from Bill that through David we're not going to publish a release today -- will WASO be closing the loop w/ DOI? Thanks much.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 10/11/2011 03:11 PM -----



"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>
>

10/11/2011 01:34 PM

To "Barna, David" <David_Barna@nps.gov>, "Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>, "Line, William"
<William_Line@nps.gov>, "Viets, Alexa"
<Alexa_Viets@nps.gov>

cc

Subject RE: Lisa, Bill - question about - DC protest permit

Thanks- please update as soon as you are able.

-----Original Message-----

From: David_Barna@nps.gov [mailto:David_Barna@nps.gov]
Sent: Tuesday, October 11, 2011 12:53 PM
To: Fetcher, Adam K; Mendelson, Lisa; Line, William; Viets, Alexa
Subject: Lisa, Bill - question about - DC protest permit

Lisa

Can you answer Adams question?

David



Jo-Ann Armao
<armaoj@washpost.com>

10/11/2011 04:13 PM

To william_line@nps.gov

cc

bcc

Subject here's the quote. also

Bill Line, spokesman for the Parks Service, told us the extra effort was being made because "we hold the First Amendment in high regard. . . we are aware of the need to accommodate free speech and expression as much as we can."

Bill Line, spokesman for the Parks Service, told us the extra effort was being made because "we hold the First Amendment in high regard. . . we are aware of the need to accommodate free speech and expression as much as we can."

wanted to confirm the other events that have permits: Gray's rally for democracy, yoga demonstration and leukemia event...



Jo-Ann Armao
<armaoj@washpost.com>

10/11/2011 04:20 PM

To william_line@nps.gov

cc

bcc

Subject changed a little

History:

✉ This message has been replied to.

Bill Line, spokesman for the Parks Service, told us efforts were underway to reach an agreement because "we hold the First Amendment in high regard. . . we are aware of the need to accommodate free speech and expression as much as we can."



Jo-Ann Armao
<armaoj@washpost.com>
10/11/2011 05:29 PM

To William_Line@nps.gov
cc
bcc
Subject Re: changed a little

great got it.....



Lisa
Mendelson-Ielmini/NCR/NPS
10/11/2011 08:45 PM

To William Line/NCR/NPS@NPS
cc
bcc
Subject Re: NEWS RELEASE -- National Park Service Issues Permit
Amendment for October 6th Coalition Use of Freedom Plaza


Thanks so much, Lisa

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office


William Line

----- Original Message -----

From: William Line

Sent: 10/11/2011 08:37 PM EDT

Subject: NEWS RELEASE -- National Park Service Issues Permit Amendment for
October 6th Coalition Use of Freedom Plaza

Dear News Colleagues:

Attached please find a news release regarding the National Park Service issuing an
amendment to the permit for the use of Freedom Plaza by the October 6th Coalition. We invite
your coverage. Please call if you have any questions.



Experience Your America

The National Park Service cares for special places saved by the American people so that all may
experience our heritage.

Office of Communications News

Release

Release Date: Tuesday, October 11, 2011

For Immediate Release

Bill Line, Toni Braxton 202 619-7400; Carol B. Johnson, 202-245-4700

National Park Service Issues Permit Amendment for October 6th Coalition

Use of Freedom Plaza

Washington, D.C. - The National Park Service (NPS) has issued an amendment to the permit held by the October 6th Coalition for First Amendment activities at Freedom Plaza. The amendment allows the October 6th Coalition to use Freedom Plaza through December 30th at 10:00 p.m., excluding dates for which permits have been issued or are pending for that location. The NPS has offered the Coalition alternate demonstration locations for those dates. The NPS has contacted all groups and organizations who have finalized permits as well as those groups or organizations with permit applications pending for use of Freedom Plaza.

-NPS-

Thanks!

Bill Line

Communications & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: [REDACTED]; Fax: (202) 619-7302



David Barna/WASO/NPS

10/12/2011 08:15 AM

To David Barna/WASO/NPS@NPS, Frances
Cherry/WASO/NPS@NPS, Barbara
Baxter/WASO/NPS@NPS, Kathy Kupper, Rick Lewis, Jody

cc

bcc

Subject newscip: Washington Post: For Freedom Plaza protesters,
freedom reigns

Washington Post

For Freedom Plaza protesters, freedom reigns

Editorial, October 11

PROTESTERS ENCAMPED at Freedom Plaza fully expected to be arrested Monday after their permit for use of the downtown site expired. They were not: The decision by the National Park Service to avoid a confrontation by working out a solution was the right one. If any city should go the extra mile to accommodate free expression, it's Washington, D.C. The onus is now on the demonstrators to show that they can be reasonable in cooperating with authorities so that their presence doesn't infringe on the rights of others.

Since Thursday, hundreds of protesters aligned with the Oct. 6 Coalition and other groups decrying war, economic disparities, money in politics and other causes have occupied the Pennsylvania Avenue plaza just east of the White House. A permit for the protest expired Monday, and park officials, no doubt mindful of the ugly scenes of like-minded protesters being arrested in other cities, sought to reach some agreement with the group.

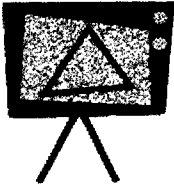
After a meeting with protest leaders, the Park Service on Tuesday extended the permit through Dec. 30. Bill Line, spokesman for the Park Service, told us efforts were made to reach an agreement because "we hold the First Amendment in high regard, we are aware of the need to accommodate free speech and expression as much as we can."

One issue that had to be resolved was the use of the plaza by other groups that have obtained permits or have permits pending. D.C. Mayor Vincent C. Gray (D), for example, has plans for a Saturday rally for full democracy for the District. A yoga group is set to conduct a demonstration, and another organization has an event to raise funds to fight leukemia. Protest leader Kevin Zeese told us that he was sure there were people from his group who would be interested in doing yoga, rallying for justice for the District and fighting leukemia. But in any event, the Park Service offered the protesters alternative demonstration sites for dates already offered to other groups.

So far, the group has shown itself to be a good neighbor: Vigilant attention is paid to trash, noise has not been a problem and relations with police have been respectful. Organizers say they are committed to nonviolence and the protests have been largely peaceful; a handful of people were arrested Tuesday at the Hart Senate Office Building, and an incident at the National Air and

Space Museum over the weekend appears to have been started by an outside provocateur.

Public reaction to the Freedom Plaza protest — as well as a smaller encampment at McPherson Square — has been mostly nonchalant, if not accepting. We find that reassuring. No one has to agree with the sentiments — and sometimes they are hard to discern — of this ragtag protest, but the protesters should be given their space.



Judy Bowman/NCR/NPS

10/12/2011 04:21 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS, William Line/NCR/NPS@NPS, Bob Vogel/NAMA/NPS@NPS, Steve Lorenzetti/NACC/NPS@NPS

cc

bcc

Subject Fw: Protestor Encampments at Freedom Plaza/McPherson Square

----- Forwarded by Judy Bowman/NCR/NPS on 10/12/2011 04:21 PM -----



Richard Bradley

<bradley@downtowndc.org>

10/12/2011 02:10 PM

To "Steve_whitesell@NPS.gov" <Steve_whitesell@NPS.gov>

cc "Robert_Vogel@nps.gov" <Robert_Vogel@nps.gov>, "paul.quander@dc.gov" <paul.quander@dc.gov>, "christopher.murphy@dc.gov" <christopher.murphy@dc.gov>, "Kevin_Hay@nps.gov" <Kevin_Hay@nps.gov>, "Kathleen_Harasek@nps.gov" <Kathleen_Harasek@nps.gov>, "jackevans@dccouncil.us" <jackevans@dccouncil.us>

Subject Protestor Encampments at Freedom Plaza/McPherson Square

October 12, 2011

Mr. Steve Whitesell
Capital Regional Director
National Park Service
1100 Ohio Drive SW
Washington DC 20242-0001

Dear Director Whitesell:

The Downtown Business Improvement District would welcome a chance to meet with you as soon as possible to discuss the protestors' encampments at Freedom Plaza and McPherson Square. We are finding ourselves playing a significant role in maintaining order.

While the Downtown BID recognizes the Constitutional rights of Americans to protest, we also respect the rights of Downtown's 180,000 workers and 8,500 residents to enjoy a safe and healthy Downtown environment.

We would like to know the following:

1. Who should be our point of contact at NPS? Park Police?
2. Where protestors have permits, what are the terms and conditions of the permits? How are the terms and conditions being enforced?
3. Where protestors do not have permits, are permits being processed?
4. Are the Park Police providing 24/7 patrols at Freedom Plaza and McPherson Square?

5. Is NPS allowing for provision of public toilets and public showers?
6. Are the Park Police regulating strictly the use of propane and other flammable materials?
7. How is coordination being handled with the city—especially the Metropolitan Police Department and Department of Public Works?
8. Does NPS intend to devote significant resources to resodding and other redemptive parks measures once the protests have ended.

We are also attempting to coordinate with DC government about related matters.

We look forward to meeting soon.

The Downtown BID appreciates its 14-year partnership with NPS and the Park Police. Please do not hesitate to contact me with any questions or comments.

Sincerely,

Richard H. Bradley
Executive Director

Richard H. Bradley
Executive Director
DowntownDC Business Improvement District
1250 H Street, NW, Suite 1000
Washington, DC 20005
202-661-7561 Direct
202-661-7598 Fax



www.downtowndc.org

Whitesell.Emcampment.10.12.11.pdf



Business Improvement District

October 12, 2011

Mr. Steve Whitesell
Capital Regional Director
National Park Service
1100 Ohio Drive SW
Washington DC 20242-0001

Dear Director Whitesell:

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The Downtown BID appreciates its 14-year partnership with NPS and the Park Police. Please do not hesitate to contact me with any questions or comments.

Sincerely,

Richard H. Bradley
Executive Director



"Morrow Family"
[REDACTED]
10/13/2011 08:30 PM

To <Undisclosed-Recipient;>
cc
bcc William Line/NCR/NPS
Subject DC Examiner: Businesses growing wary of McPherson Square occupation

<http://washingtonexaminer.com/local/2011/10/businesses-growing-wary-mcpherson-square-occupation>

Washington (DC) Examiner
Thursday, October 13, 2011

Businesses growing wary of McPherson Square occupation

By: Liz Farmer

An organization that promotes downtown businesses is prodding the National Park Service to have a heavier hand in monitoring the growing encampment of the Occupy D.C. protesters in McPherson Square.

In a letter to businesses this week, the Downtown D.C. Business Improvement District Executive Director Richard Bradley said he has contacted the Park Service to express his concern.

"While the Downtown BID recognizes First Amendment rights, we question NPS allowing overnight stays, structures to be erected in the parks and cooking using flammable materials," the letter said.

The group has been stationed there since Oct. 1. They do not have a permit because the park service does not allow camping at the square.

Bradley later told The Washington Examiner that he was especially concerned about the stoves in the group's food tent.

"We just want to make sure ... that the safety and well being of everyone is cared for and [clarify] who's responsible for ensuring that," Bradley said.

The group took up occupation of the square, just two blocks from the White House and in the heart of D.C.'s financial district, as part of the Occupy Wall Street movement that began in New York City last month and spread to other cities. The demonstrations speak out against corporate lobbying in government.

A spokesman for the U.S. Park Police on Thursday said officers were monitoring the square.

More than one dozen tents take up more than a quarter of the square's green space, which has been partially covered with cardboard and boards as the foot traffic and rain has turned the grass into mud. A food tent run by protesters who are professional cooks also feeds the homeless and receives boxes of food every day from citizens and businesses.

Cooks on Thursday said they were not concerned about a fire hazard but hoped to switch to an electric stove soon.

Other demonstrators at the park said they were not trying to be disruptive, although they acknowledged camping was not permitted in the square.

"You see anyone drinking or smoking pot, you tell me," said Joe Gray, 23. "That's not what we're about."

Terry Lynch, director of the Downtown Cluster of Congregations, said the protesters "just need to make sure the park stays clean and usable for everyone."

A separate group, October 2011, is similarly stationed in Freedom Plaza. That group has obtained a permit from the Park Service, although it does not permit does not allow camping.

lfarmer@washingtonexaminer.com



"Glenn"

10/19/2011 10:32 AM

To <William_Line@nps.gov>

cc

bcc

Subject Occupy DC at McPherson Square

Mr. Line,

I have been swapping emails with several reporters, bloggers, and the ombudsman at the Washington Post regarding the ongoing protests in NPS park properties in DC, particularly the "Occupy DC" group in McPherson Square. And, most particularly about the camping, tenting, sleeping over, and cooking by demonstrators in the park that is in direct violation of federal regulations.

The Post apparently has been too deferential in seeking out explanation of why these protestors have been allowed to violate federal regulations for over two weeks without any explanation from the National Park Service.

- The Post has described the event in McPherson Square as "a bustling tent city full of people with no intention of leaving,"
- The Post has also noted that the protestors flaunt their violation of federal regulations: "Occupy D.C. does not have a permit to occupy McPherson Square, but members say police have left them alone so far. 'No one has any plans to ask for a permit — or to leave', said Legba Carrefour, a self-described anarchist. 'We haven't had any problems with police.'"

The Washington Examiner has charged that the "U.S. Park Police is turning a blind eye to the protesters sleeping there" and noted that "The U.S. Park Police did not respond to multiple requests for comment."

As a citizen who expects government agencies to respond to questions regarding the enforcement of regulations or lack thereof, I am seeking an explanation from you for NPS' justification for allowing the encampment to continue.

I have read the pertinent regulations in C.F.R., Title 36, Chapter 1, Section 7.96, and I also see that 19 demonstrators were arrested two days ago for violating federal regulations by protesting on the steps of the Supreme Court. It is unclear why the NPS selectively enforces regulations regarding demonstrations.

Given the NPS' lack of response to the *Washington Examiner's* inquiries, I will be sending a copy of this email to my two senators and elected representatives.

Regards,

Glenn Merritt

Vienna, VA

Park Police turn blind eye to illegal sleepovers

<http://campaign2012.washingtonexaminer.com/blogs/beltway-confidential/park-police-turn-blind-eye-illegal-sleepovers>

by Conn Carroll Senior Editorial Writer

It is against federal regulations to sleep in National Capital Parks like McPherson Square and Freedom Plaza, but the U.S. Park Police is turning a blind eye to the protesters sleeping there.

36 CFR 7.96(i) reads :

Camping. (1) Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Camping is permitted only in areas designated by the Superintendent, who may establish limitations of time allowed for camping in any public campground. Upon the posting of such limitations in the campground, no person shall camp for a period longer than that specified for the particular campground.

The National Park Service National Capitol Region Office has confirmed that McPherson Square has not been designated as a camping area. It is obvious to any nighttime or early-morning passer-by that the Occupy D.C. protesters are sleeping overnight in the tents pitched there. Yet the U.S. Park Police has done nothing to enforce the law. (my emphasis)

The Freedom Plaza protesters may be on firmer ground. The Stop the Machine! protest group, referred to as the "October 6th coalition" by the National Park Service, had secured a permit to use Freedom Plaza on October 6th long before the Occupy movement began. After that group's permit formally expired, the National Park Service entered into negotiations for an extension of their permit.

Earlier this week, NPS granted the October 6th group a permit extension for Freedom Plaza through December 31st. Protesters at Freedom Plaza must make room for other groups that already have permits to use Freedom Plaza, or have applications in the pipeline to get one. In addition, NPS agreed to allow tents on the plaza on the condition that they are open to inspection by Park Police on a 24-hour basis.

36 CFR 7.96(g) does seem to allow this discretion :

(vi) In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Temporary structures are permitted to the extent described above, provided prior notice has been given to the Regional Director, except that:

(A) Structures are not permitted on the White House sidewalk.

(B) All such temporary structures shall be erected in such a manner so as not to harm park resources unreasonably and shall be removed as soon as practicable after the conclusion of the permitted demonstration or special event.

(C) The Regional Director may impose reasonable restrictions upon the use of temporary structures in the interest of protecting the park areas involved, traffic and public safety considerations, and other legitimate park value concerns.

(D) Any structures utilized in a demonstration extending in duration beyond the time limitations specified in paragraphs (g)(5)(iv) (A) and (B) of this section shall be capable of being removed upon 24 hours notice and the site restored, or, the structure shall be secured in such a fashion so as not to interfere unreasonably with use of the park area by other permittees authorized under this section.

It's hard to see how much "prior notice" the October 6th group gave the Regional Director about their intention to set up camp in Freedom Plaza, but his office has agreed to allow the encampment. However, the National Park Service has confirmed that the permit for the use of Freedom Plaza does not extend to McPherson Square.

The U.S. Park Police did not respond to multiple requests for comment. (my emphasis)

The Washington Examiner

<http://washingtonexaminer.com/local/2011/10/businesses-growing-wary-mcpherson-square-occupation>

Businesses growing wary of McPherson Square occupation

By: Liz Farmer | 10/13/11 8:05 PM

"Occupy D.C "protester Joe Gray of Gaithersburg says he plans on staying in the District for as long as he can to voice his disdain against "corporate America."-Graeme Jennings/Examiner

An organization that promotes downtown businesses is prodding the National Park Service to have a heavier hand in monitoring the growing encampment of the Occupy D.C. protesters in McPherson Square.

In a letter to businesses this week, the Downtown D.C. Business Improvement District Executive Director Richard Bradley said he has contacted the park service to express his concern.

"While the Downtown BID recognizes First Amendment rights, we question **NPS allowing overnight stays, structures to be erected in the parks and cooking using flammable materials,**" the letter said.

The group has been stationed there since Oct. 1. It does not have a permit

because the park service does not allow camping at the square.

Bradley later told *The Washington Examiner* that he was especially concerned about the stoves in the group's food tent.

"We just want to make sure ... that the safety and well being of everyone is cared for and [clarify] who's responsible for ensuring that," Bradley said.

The group took up occupation of the square, just two blocks from the White House and in the heart of D.C.'s financial district, as part of the Occupy Wall Street movement that began in New York City last month and spread to other cities. The demonstrations speak out against corporate influence in government.

A spokesman for the U.S. Park Police on Thursday said officers were monitoring the square.

More than a dozen tents take up more than a quarter of the square's green space, which has been partially covered with cardboard and boards as foot traffic and rain have turned the grass into mud. A food tent run by protesters who are professional cooks also feeds the homeless and receives boxes of food every day from citizens and businesses.

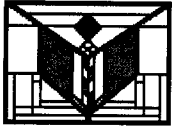
Cooks on Thursday said they were not concerned about a fire hazard but hoped to switch to an electric stove soon.

Other demonstrators at the park said they were not trying to be disruptive, although they acknowledged camping was not permitted in the square.

"You see anyone drinking or smoking pot, you tell me," said Joe Gray, 23. "That's not what we're about."

Terry Lynch, director of the Downtown Cluster of Congregations, said the protesters "just need to make sure the park stays clean and usable for everyone."

A separate group, October 2011, is similarly stationed in Freedom Plaza. That group has obtained a permit from the park service, although the permit does not allow camping.



Charis Wilson/DENVER/NPS
10/19/2011 11:23 AM

To Margie Ortiz/NCR/NPS@NPS, William Line/NCR/NPS@NPS
cc pstarr@cnsnews.com
bcc
Subject Freedom Plaza Permitting Fw: From NPS.gov: FOIA Request

Hi Margie & Bill,

This one just showed up in the FOIA general mailbox. However, Penny had called me a few minutes ago to let me know she goofed on one of the dates she listed.

She meant to ask for the "October 2011 and Occupy DC contacts" not October 2012.

Thanks,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." -
Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie

----- Forwarded by Charis Wilson/DENVER/NPS on 10/19/2011 09:19 AM -----



pstarr@cnsnews.com
10/19/2011 08:38 AM

To npsfoia@nps.gov
cc
Subject From NPS.gov: FOIA Request

Email submitted from: foia-contact.htm

Dear FOIA Officer:

This is a request filed under the Freedom of Information Act.

What park are you requesting records from? (If you do not know please enter N/A.)
Freedom Plaza

Please describe the record(s) you are seeking so that an employee familiar with the subject area of the request may locate the record(s) with a reasonable amount of effort. Please include descriptive information, time frame to be

searched, etc.

I am seeking any and all communications between the U.S. Park Service and outside contacts regarding the permitting process of Freedom Plaza from May 2011 to the present or Oct. 19, 2011, including, but not limited to, the October 2012 and Occupy DC contacts. These communications include all documents, e-mails, letters, memorandums, notes, pdfs, audio files, recordings, photographs, videos, etc.

Are you asking for expedited processing of your request?

Yes

If so, why?

To fulfill the requirements of timely news reporting.

Are you filing a request on behalf of another party?

No

If so, which party?

Fees and Waivers

In order to help to determine my status to assess fees, you should know that I am:

News Media affiliated with: CNS News

Are you willing to pay for the processing of your FOIA request?

Yes

If so, how much?

\$25.00

Checked Please check if you would prefer an estimate of fees prior to processing.

Please note: If you are not willing to pay, the National Park Service may not be able to process your request depending on the fees involved. The fee schedule is located at <http://www.doi.gov/foia/fees.html>.

Are you requesting a statutory fee waiver?

Yes

If so, please justify?

news organization seeking information to disseminate to the public

Thank you for your consideration of my request.

Sincerely,

Your Name: penny starr

How to Contact You:

Email Address pstarr@cnsnews.com

Your postal address is required for the National Park Service to mail any responsive documents to you.

Mailing Address

Street Address: 325 So. Patrick St.
City: Alexandria
State: VA
Zip / Postal Code: 22314
This Address is: Business Address

Name of Organization: CNS News
Phone No.: 703-548-5689
Fax No.:





Solomon Keene
<solomon@hawdc.com>
10/19/2011 12:15 PM

To "Miriam_Hornstein@nps.gov"
<Miriam_Hornstein@nps.gov>
cc "William_Line@nps.gov" <William_Line@nps.gov>,
"Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>
bcc
Subject RE: Occupy DC Permit

Wonderful, thank you Miriam. [REDACTED]. We have found the information that we need; thank you for your response.

-Solomon

Solomon Keene, Jr.
President
Hotel Association of Washington, D.C.
1201 New York Avenue, NW Suite 601
Washington, DC 20005
(202) 289-0193 Direct
(202) 289-8849 Fax

Committed to Our City!

- Travelers to DC generate nearly \$620 million in tax revenue, accounting for 13% of the city's total budget
- Hotels alone generate more than \$207 million in tax collections for our city
- Hospitality High School of Washington, DC has graduated over 200 students with a 95% college acceptance rate

From: Miriam_Hornstein@nps.gov [mailto:Miriam_Hornstein@nps.gov]
Sent: Wednesday, October 19, 2011 12:14 PM
To: Solomon Keene
Cc: William_Line@nps.gov; Carol_B_Johnson@nps.gov
Subject: Re: Occupy DC Permit

Hello Solomon,

My apologies for not getting back to sooner, b [REDACTED]
[REDACTED]

At any rate, the person to contact about the specifics of the permit extension granted to the Occupy DC group is the Public Information Officer for the National Capitol Region, William (Bill) Line. His email address is: William_Line@nps.gov and his office phone number is: 202-619-7177.

Alternatively, you could try getting ahold of the Public Information Officer for the National Mall and Memorial Parks, Carol Johnson. Her email address is: Carol_B_Johnson@nps.gov and she can be reached at: 202-485-9880 which is the park's headquarters.

Those two work with the Park Programs office and the U.S. Park Police on a daily basis so they will have all of the details about what specifics were written into the permit extension

to deal with the long-term nature of the group.

Hope that helps!

Miriam

Acting Volunteer Program Manager
National Mall and Memorial Parks
900 Ohio Dr, SW
Washington D.C. 20024

Office: 202-245-4688

Fax: 202-426-1835

-----Solomon Keene <solomon@hawdc.com> wrote: -----
To: "miriam_hornstein@nps.gov" <miriam_hornstein@nps.gov>
From: Solomon Keene <solomon@hawdc.com>
Date: 10/13/2011 10:45
Subject: Occupy DC Permit
Hello Miriam,

I hope that you're well. We serve on the National Cherry Blossom Festival Board together. We sat next to one another at the meeting a few weeks ago. I'm hoping that you can point me in the right direction to get a sense of what the permits issued by the US Park Police to the Occupy DC protestors entail. As you know, we have three hotels on the perimeter of Freedom Plaza and they simply want to know what the protestors are allowed and not allowed to do. I'm certain that you've seen the tents, trash, and other activities that could lead to the rodent issues that we've seen in the past on Freedom Plaza.

Our Members understand that protests are a part of being in DC but we need to have a better sense of what these permits allow. Please let me know if I can find this information in the public domain or if there is anyone that I could speak with. I look forward to hearing from you.

Best,

Solomon
Solomon Keene, Jr.
President
Hotel Association of Washington, D.C.
1201 New York Avenue, NW Suite 601
Washington, DC 20005
(202) 289-0193 Direct
(202) 289-8849 Fax

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- Hospitality High School of Washington, DC has graduated over 200 students with a 95% college acceptance rate



image001.gif

Stephanie Clark/USPP/NPS

10/21/2011 05:12 AM

To

cc

bcc William Line/NCR/NPS

Subject Notification - ADW Knife - McPherson Park

I homeless man that was living with the Occupy DC group in McPherson Park was arrested for ADW Knife. Several complainants identified him as threatening them with the knife.

Lieutenant Stephanie Clark
Shift Commander
United States Park Police
202-610-3505 Office
[REDACTED]

This E-mail may contain confidential information. If you are not the addressee or the intended recipient please do not read this E-mail and please immediately delete this e-mail message and any attachments from your workstation or network mail system. If you are the addressee or the intended recipient and you save or print a copy of this E-mail, please place it in an appropriate file, depending on whether confidential information is contained in the message.



David Barna/WASO/NPS

10/26/2011 06:57 AM

To David Barna/WASO/NPS@NPS, Frances
Cherry/WASO/NPS@NPS, Barbara
Baxter/WASO/NPS@NPS, Kathy Kupper, Rick Lewis, Jody

cc

bcc

Subject newscip: Wash Post/ AP : As some cities crack down on
anti-Wall Street protesters, tent cities in DC continue to
expand

Washington Post / AP

As some cities crack down on anti-Wall Street protesters, tent cities in DC continue to expand

By Associated Press

October 25

WASHINGTON — While police and neighbors in some cities are losing patience with anti-Wall Street protests, demonstrators in the nation's capital are continuing to expand their tent cities with little interference.

Authorities in several cities have started arresting or threatening to evict demonstrators, in part because of concerns about noise, sanitation and health.

But in Washington, a city accustomed to protests, relations between police and participants in two similar, open-ended demonstrations have been largely peaceful. McPherson Square was packed with more than 100 tents Tuesday, and there were more than 60 tents in Freedom Plaza a few blocks away.

At McPherson Square, Wes Kirkpatrick of the Occupy D.C. movement was hanging leaflets Tuesday afternoon with information about arrests and confrontations between police and protesters in other cities. U.S. Park Police are patrolling the square twice daily but have done little else, and officers have given no indication they plan to start arresting or evicting the protesters, said Kirkpatrick, 27.

Police are arresting protesters "everywhere but here, essentially," Kirkpatrick said. He said he believed Occupy D.C. was benefiting from its location just blocks from the White House and said he did not expect the federal government to crack down on the demonstration.

Assemblies in McPherson Square don't require permits as long as they don't exceed 500 people, but people are barred from camping or cooking there, and the demonstrators are doing both in plain view of police.

McPherson Square is surrounded by businesses, including banks, restaurants and law firms, but Kirkpatrick said there had been few if any confrontations with local merchants and residents. Bill Line, a National Park Service spokesman, said the park service decided recently to start picking up trash twice a day in the square because of concerns about buildup. He also said police were counting the protesters and would take action if their numbers exceeded 500.

Patrick Segui, who owns a hair salon on McPherson Square, said the demonstration hasn't harmed his business.

"There hasn't been any trouble. As far as protesting, that's the way to do it. They're very clean," Segui said. "Politically, it's a different story, but we don't need to go there."

Ayanna Brown, general manager of the popular restaurant Georgia Brown's, said the protesters and the restaurant have coexisted peacefully, and she noted that most of the staff supports them.

"They don't even come in and ask to use the restroom," Brown said. "We were concerned mostly about trash. We can get rats if we don't maintain a certain level of cleanliness, and they have done that."

The demonstrators in Freedom Plaza have a permit that runs through Dec. 30, but they are also camping and cooking in defiance of park service rules. Kevin Zeese, an organizer of the October 2011 Stop the Machine demonstration, said officers patrolling the plaza have told him "they're getting pressure to evict us." But he said demonstrators would return if they were kicked out.

The park service was planning to hand out leaflets to the Freedom Plaza protesters addressing health and safety matters that they're expected to abide by, Line said.

Freedom Plaza is bordered by local and federal government buildings, the National Theater and a Marriott hotel. Zeese said he hasn't heard any complaints from neighbors.

"I would guess the Marriott's \$500-a-night rooms aren't too happy, but they haven't said anything to us," he said.



"Morrow Family"
<morrow-family@cox.net>
10/26/2011 08:21 PM

To <Undisclosed-Recipient;>
cc
bcc William Line/NCR/NPS
Subject Wash Post/AP: US Park Police planning outreach, education campaign for demonstrators camping in DC

http://www.washingtonpost.com/local/us-park-police-planning-outreach-education-campaign-for-demonstrators-camping-in-dc/2011/10/26/gIQArFwVJM_story.html

Washington Post
Post Local blog
Wednesday, October 26, 2011

US Park Police planning outreach, education campaign for demonstrators camping in DC

WASHINGTON (AP) — U.S. Park Police continue to take a largely hands-off approach to two demonstrations in Washington similar to the Occupy Wall Street movement in New York.

Protesters are camping out in two squares controlled by the National Park Service — McPherson Square and Freedom Plaza. The gatherings are not illegal, but camping and cooking on park service property is against regulations.

Sgt. David Schlosser, a park police spokesman, says the agency will be launching an informal outreach and education campaign to inform the demonstrators about the park service's expectations for their activities. He declined to comment Wednesday on what police would do if demonstrators continue violating the rules.

Protesters at McPherson Square say they don't feel threatened by police, but at Freedom Plaza, organizers say they expect to be kicked out.



"Kenney, Kevin"
<KKenney@wusa9.com>
10/27/2011 07:31 PM

To "David_Schlosser@nps.gov" <David_Schlosser@nps.gov>
cc "William_Line@nps.gov" <William_Line@nps.gov>
bcc
Subject Cost of Occupy DC Encampments

Gentlemen,

Do either of you have a handle on what the two Occupy DC encampments are/ have cost the Park Service? WUSA is interested in total costs, for safety, clean up, other maintenance, etc. Several cities around the country are reporting the Occupy costs in the hundreds of thousands of dollars since the protests began.

We trying to get the cost figures for the protests here.

Thanks,

Kevin Kenney
Assignment Editor
WUSA9-TV
202 895 5700



"Morrow Family"
<morrow-family@cox.net>
10/27/2011 09:19 PM

To <Undisclosed-Recipient:;>
cc
bcc William Line/NCR/NPS
Subject National Park Service Distributes Rules for Occupied
McPherson Square

<http://www.nbcwashington.com/news/local/National-Park-Service-Distributes-Rules-for-Occupied-McPherson-Square-132729058.html>

WWRC (Washington, DC) NBC-tv
Thursday, October 27, 2011

National Park Service Distributes Rules for Occupied McPherson Square Campers reminded camping is not permitted

U.S. Park Police and protesters are getting along fine so far at the McPherson Square tent city, but the National Park Service is concerned about keeping things safe and tidy so their guests can continue some good, clean demonstrating.

NPS is posting and distributing rules and regulations at McPherson Square with the hope of keeping the park beautiful.

In particular, NPS wants to protect Gen. McPherson. Demonstrators are asked not to eat or drink at the base of the statue to prevent permanent stains. Nor should anything be attached to the statue or any of the trees and plants in the park.

To protect the grass, temporary structures like tents with flooring should be moved every four days to allow the turf to get sun and water. Last week, the *Washington Examiner* reported new grass installed earlier this year is already dead and could cost \$200,000 to replace.

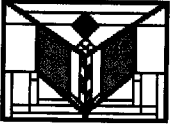
For safety's sake, any generator should be surrounded by 3-foot-high fencing. For nature's sake, they must be on matting of three-quarter inch plywood or other NPS approved material covered by some absorbent material and a tarp to keep fuel off the ground. Drip pans are required under any nozzle, and refueling is limited to between 5 a.m. to 8 a.m. Campers can't store the fuel at the park.

NPS recommended at least one portable toilet per 300 people and promised to collect trash three times a day.

On Tuesday, more than 100 tents packed the square, the Associated Press reported. Assemblies of 500 or fewer don't require permits for the square, but cooking and camping -- defined as "the

use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking ... “ -- are prohibited, though ongoing.

NPS advised that Park Police is monitoring McPherson Square for compliance with these rules.



Charis Wilson/DENVER/NPS

10/28/2011 04:45 PM

To jeffrey.light@yahoo.com

cc William Line/NCR/NPS@NPS, Margie
Ortiz/NCR/NPS@NPS, Janeen Tyson/USPP/NPS@NPS

bcc

Subject OccupyDC FOIA request clarification questions

Mr. Light,



I received your October 24, 2011 FOIA request in today's mail. light occupy dc foia.PDF

However, we cannot begin processing it because it is not currently clear which of the 395+ NPS park, regional and field offices you are seeking records from. While I am assuming that you are only looking for records from NPS sites and offices located in Washington, D.C., e.g. the National Capital Region, the National Mall or the US Park Police, we cannot base our processing of your request on such assumptions. We must instead clarify the scope of your request.

Your request also did not provide us with enough information to determine which fee category you belong too. Again, we could assume that you are OTHER and thus would be entitled to 2 free hours of search time and 100 free pages, but simply indicating that you have no commercial or personal interest in the information does not provide us with enough information. So again, since we are not supposed to base our FOIA responses on assumptions, I am contacting you for clarification.

Please be aware that since you have specifically requested e-mail documents and our central e-mail server only retains 30 days worth of e-mail messages, as currently worded your request will require that employees, within the locations you are asking for records from, perform manual searches of their individual e-mail archives. Such a search could be very costly. Therefore, any additional information you can provide that would help narrow the scope of your request will be helpful not only to our processing of your request but will also reduce the amount of time and effort required to search for potentially responsive records, which will in turn reduce the amount of fees that you would incur for our processing.

Another possible option would be to have our LotusNotes technicians perform a search of the main server using the terms you provided. You could then submit additional requests based on your review of the materials located in the initial search of the main Lotus Notes servers.

Additionally, while you are by no means required to do so as part of the FOIA process, it might also help to narrow the scope of our search if you could provide us with background information regarding what you need the materials for. For example, if we knew that you were looking for information related to the process for issuing permits, that would help us to narrow the scope of the search to the office that handles such matters.

Sincerely,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." -
Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie

October 24, 2011

Charis Wilson
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225

RE: Freedom of Information Act Request

Dear Ms. Wilson:

I submit this Freedom of Information request pursuant to the Freedom of Information Act.

I respectfully request copies of all public records, (including, but not limited to, electronic records), for the period July 1, 2011 through the date the search is conducted, concerning the following:

1. A search of all records for "OccupyDC," "Occupy DC," "OccupyWallStreet," "Occupy Wall Street," or "McPherson."

Request for a Public Interest Fee Waiver

A fee waiver is appropriate for the requested material which will contribute significantly to public understanding of the treatment of protesters. I maintain no commercial or private interest in obtaining these records.

Request for Expedited Processing

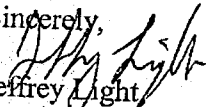
The request concerns the Occupy movement, an issue of intense media focus at the moment. Specifically, police monitoring and handling of Occupy protesters in various cities has been highlighted in numerous articles. There is a great need for the public to be informed as soon as possible about how the police have been monitoring and handling the Occupy movement in our nation's capital.

I ask to receive all documents responsive to my request in electronic format, whenever possible. If some or all of the responsive documents are available in digital form by e-mail, please send them to me at jeffrey.light@yahoo.com.

If this request is denied in whole or in part, please justify all deletions by reference to exemptions of the statute. In addition, please release all segregable portions of otherwise exempt material.

If you have any questions in processing this request, please do not hesitate to contact us at the above e-mail address. Thank you for your time and assistance in this matter.

Sincerely,


Jeffrey Light

1712 Eye St, NW

Suite 915

Washington, DC 20006

202-277-6213

Jeffrey.Light@yahoo.com

relating to the above request, please do not hesitate to contact us at the above e-mail address. Thank you for your time and assistance in this matter.

202-277-6213

Jeffrey.Light@yahoo.com



"Morrow Family"

10/28/2011 09:41 PM

To <Undisclosed-Recipient:>

cc

bcc William Line/NCR/NPS

Subject Many cities leaving Wall Street protesters alone

<http://www.ajc.com/news/nation-world/many-cities-leaving-wall-1212235.html>

Atlanta (GA) Journal-Constitution
Friday, October 28, 2011

Many cities leaving Wall Street protesters alone

By MEGHAN BARR

The Associated Press

NEW YORK — While more U.S. cities are resorting to force to break up the Wall Street protests, many others — Philadelphia, New York, Minneapolis and Portland, Ore., among them — are content to let the demonstrations go on for now.

New York Mayor Michael Bloomberg, for example, said Friday that the several hundred protesters sleeping in Zuccotti Park, the unofficial headquarters of the movement that began in mid-September, can stay as long as they obey the law.

"I can't talk about other cities," he said. "Our responsibilities are protect your rights and your safety. And I think we're trying to do that. We're trying to act responsibly and safely."

Still, the city made life a lot harder for the demonstrators: Fire inspectors seized a dozen cans of gasoline and six generators that powered lights, cooking equipment and laptops, saying they were safety hazards.

In the span of three days this week, police broke up protest encampments in Oakland, Calif., Atlanta and, early Friday, San Diego and Nashville, Tenn.

State troopers in Nashville cracked down after authorities imposed a curfew on the protest. Twenty-nine people were arrested and later released after a judge said the demonstrators were not given enough time to comply with the brand-new rule. They received citations for trespassing instead.

Fifty-one people were arrested in San Diego, where authorities descended on a three-week-old encampment at the Civic Center Plaza and Children's Park and removed tents, canopies, tables

and other furniture.

Officials there cited numerous complaints about human and animal feces, urination, drug use and littering, as well as damage to city property — problems reported in many other cities as well. Police said the San Diego demonstrators can return without their tents and other belongings after the park is cleaned up.

Earlier this week, in the most serious clashes of the movement so far, more than 100 people were arrested and a 24-year-old Iraq War veteran suffered a skull fracture after Oakland police armed with tear gas and bean bag rounds broke up a 15-day encampment and repulsed an effort by demonstrators to retake the site.

But other cities have rejected aggressive tactics, at least so far, some of them because they want to avoid the violence seen in Oakland or, as some have speculated, because they are expecting the protests to wither anyway with the onset of cold weather.

Officials are watching the encampments for health and safety problems but say that protesters exercising their rights to free speech and assembly will be allowed to stay as long as they are peaceful and law-abiding.

"We're accommodating a free speech event as part of normal business and we're going to continue to enforce city rules," said Aaron Pickus, a spokesman for the mayor of Seattle, where about 40 protesters are camping at City Hall. "They have the right to peacefully assemble. Ultimately what the mayor is doing is strike a balance."

Authorities have similarly taken a largely hands-off approach in Portland, Ore., where about 300 demonstrators are occupying two parks downtown; Memphis, Tenn., where the number of protesters near City Hall has ranged from about a dozen to about 100; and in Salt Lake City, where activists actually held a vigil outside police headquarters this week to thank the department for not using force against them.

In the nation's capital, U.S. Park Police distributed fliers this week at an encampment of more than 100 tents near the White House. And while the fliers listed the park service regulations that protesters were violating, including a ban on camping, a park police spokesman said the notices should not be considered warnings.

In Providence, R.I., Public Safety Commissioner Steven Pare said the protesters will not be forcibly removed even after the Sunday afternoon deadline he set for them. He said he intends to seek their ouster by way of court action, something that could take several weeks.

"When you see police having to quell disturbances with tear gas or other means, it's not what the police want and it's not what we want to see in our society," Pare said.

Similarly, in London, church and local government authorities are going to court to evict protesters camped outside St. Paul's Cathedral — though officials acknowledged Friday it could

take weeks or months to get an order to remove the tent city.

Several hundred protesters against economic inequality and corporate excesses have been camped outside the building since Oct. 15. On Oct. 21 cathedral officials shut the church, saying the campsite represented a health and safety hazard.

It was the first time the 300-year-old church, one of London's best-known buildings, had closed since German planes bombed the city during World War II.

In Minneapolis, where dozens have been sleeping overnight on a government plaza between a county building and City Hall, the three-week-old occupation has been far tamer than those in other cities, with only a few arrests.

Sheriff Rich Stanek has made it a practice to meet with protesters daily to talk about their issues and the day ahead, and he has refused to engage what he called "the 1 percent" who want to cause trouble.

"We decided that's not the tactic we want to take. Doing that sometimes requires biting your tongue," he said. He added: "Some people have said that's 'Minnesota nice.' It's a balance."

Niedowski reported from Providence, R.I.

Contributing to this report were Associated Press writers Doug Glass in Minneapolis; Lucas L. Johnson II in Nashville, Tenn.; Samantha Gross in New York; Terry Collins in Oakland, Calif.; Jonathan J. Cooper in Portland, Ore.; Josh Loftin in Salt Lake City; Julie Watson in San Diego; Chris Grygiel in Seattle; Ben Nuckols in Washington; and Laura Crimaldi in Providence, R.I.

Niedowski can be reached at <http://twitter.com/eniedowski>



"Morrow Family"

10/28/2011 10:16 PM

To <Undisclosed-Recipient;>

cc

bcc William Line/NCR/NPS

Subject Just When You Thought DC Was Fully Occupied, A New Group Has Descended on DC

<http://wmal.com/Article.asp?id=2321281>

WMAL (Washington, DC) radio
Friday, October 28, 2011

Just When You Thought DC Was Fully Occupied, A New Group Has Descended on DC

Martin Di Caro
WMAL.com

WASHINGTON -- Yet another protest group is descending on Washington, D.C. Occupy Pennsylvania Avenue has received permits to hold rallies in Lafayette Park near the White House and at West Front Lawn and Upper Senate Park near the Capitol, but the organizer said he was unsure how many protesters would appear.

The permits allow Patrick Schneider to organize rallies starting today through Nov. 20.

The number of protesters involved in Occupy Pennsylvania Avenue is not the only mystery. You also won't get Schneider, an event planner and DJ from San Diego, to disclose his political positions.

His movement is vaguely based on frustration with the federal government, but Schneider says people of all political persuasions are invited to his rallies to demand change.

"I wanted to make sure that politicians were also a target of this movement as far as being out in front of the White House and being out front of the Capitol," he said. Up to 1,000 protesters may congregate in Lafayette Park and up to 2,000 at the locations near the Capitol, according to the permits issued by the National Park Service.

The protesters, however many may show up, are not permitted to pitch tents or live there, unlike the Occupy D.C. protesters who have been inhabiting McPherson Square since early October.

Some social media sites related to Occupy Pennsylvania Avenue have libertarian-leaning posts, but Schneider insists he is non-partisan and that the protesters themselves will direct the messages at their rallies.

"If I take a position... some people may not want to come to these rallies because, he stands for this," he said. "The fact that I don't stand on anything publicly allows people to come and demonstrate their voices. I want everybody to come out because it's not just a right thing, it's not just a left thing, it's an American thing. It's an everybody thing."



David Barna
<david_barna@nps.gov>
10/29/2011 08:06 AM

To Peggy O'dell <Peggy_O'Dell@nps.gov>, Bill Line
<William_Line@nps.gov>, Bill Reynolds
<William_F_Reynolds@nps.gov>, Sue Waldron
cc "randall_myers@ios.doi.gov" <randall_myers@ios.doi.gov>

bcc

Subject Fwd: fyi Occupy DC FOIA

Just to let you know that we have rec'd a FOIA request from an attorney for Occupy DC etc.
David

Begin forwarded message:

From: Charis_Wilson@nps.gov
Date: October 28, 2011 5:04:24 PM EDT
To: David_Barna@nps.gov
Cc: Maureen_Foster@nps.gov
Subject: fyi Occupy DC FOIA

Hi David,

His request does not state it, but I Googled him and found that he is an attorney representing OccupyDC. I've sent a clarification request to him because as currently worded we would have to search every NPS office and park, which I know is not what he wants, but I have to get him to clarify that. I've also requested that he clarify his fee category, because I'm not sure if as their attorney he would need to be classified as commercial...e.g. are they paying him or is he donating time? I'm thinking we will likely need to classify him as OTHER as it is my understanding that the Occupy movement per se does not exist as a formal organization such that we could declare his work for it to be commercial. However, I'm waiting to get additional information from him first.

In the meantime since I know this is likely a hot issue in your office I'm forwarding you a copy of this request so you are aware of it.

(See attached file: light occupy dc foia.PDF)

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287

303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA



light occupy dc foia.PDF

October 24, 2011

Charis Wilson
12795 W. Alameda Parkway
P.O. Box 25287
Denver, CO 80225

RE: Freedom of Information Act Request

Dear Ms. Wilson:

I submit this Freedom of Information request pursuant to the Freedom of Information Act.

I respectfully request copies of all public records, (including, but not limited to, electronic records), for the period July 1, 2011 through the date the search is conducted, concerning the following:

1. A search of all records for "OccupyDC," "Occupy DC," "OccupyWallStreet," "Occupy Wall Street," or "McPherson."

Request for a Public Interest Fee Waiver

A fee waiver is appropriate for the requested material which will contribute significantly to public understanding of the treatment of protesters. I maintain no commercial or private interest in obtaining these records.

Request for Expedited Processing

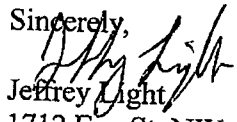
The request concerns the Occupy movement, an issue of intense media focus at the moment. Specifically, police monitoring and handling of Occupy protesters in various cities has been highlighted in numerous articles. There is a great need for the public to be informed as soon as possible about how the police have been monitoring and handling the Occupy movement in our nation's capital.

I ask to receive all documents responsive to my request in electronic format, whenever possible. If some or all of the responsive documents are available in digital form by e-mail, please send them to me at jeffrey.light@yahoo.com.

If this request is denied in whole or in part, please justify all deletions by reference to exemptions of the statute. In addition, please release all segregable portions of otherwise exempt material.

If you have any questions in processing this request, please do not hesitate to contact us at the above e-mail address. Thank you for your time and assistance in this matter.

Sincerely,


Jeffrey Light

1712 Eye St, NW

Suite 915

Washington, DC 20006

202-277-6213

Jeffrey.Light@yahoo.com



Jeff Light
<jeffrey.light@yahoo.com>

10/28/2011 11:56 PM

Please respond to
Jeff Light
<jeffrey.light@yahoo.com>

To "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>

cc "William_Line@nps.gov" <William_Line@nps.gov>,
"Margie_Ortiz@nps.gov" <Margie_Ortiz@nps.gov>,
"Janeen_Tyson@nps.gov" <Janeen_Tyson@nps.gov>

bcc

Subject Re: OccupyDC FOIA request clarification questions

Ms. Wilson,

My request is intended to be limited to the National Capital Region and the US Park Police.

I also agree to limit my search for emails to the previous 30 days in order that manual searches need not be performed. Please have the Lotus Notes technician perform a search of the main server using the search terms I submitted.

I do not object to being characterized as OTHER for fee purposes. I am not a member of the news media or a scientific or educational organization and the information is not requested for commercial purposes. However, I would request that a waiver of fees be considered because the information sought is likely to contribute to public understanding of the operation of the National Park Service as it relates to First Amendment activity. I intend to disseminate the information I receive to the public via websites in order to increase awareness of how the federal government monitors political protesters exercising their rights on Park property.

Thank you,
Jeffrey Light

From: "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>

To: jeffrey.light@yahoo.com

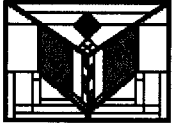
Cc: William_Line@nps.gov; Margie_Ortiz@nps.gov; Janeen_Tyson@nps.gov

Sent: Friday, October 28, 2011 4:45 PM

Subject: OccupyDC FOIA request clarification questions

Mr. Light,

I received your October 24, 2011 FOIA request in today's mail. (See attached file: light occupy dc foia.PDF)



Charis Wilson/DENVER/NPS

10/31/2011 11:33 AM

To Rhoda Upshur/WASO/NPS@NPS

cc William Line/NCR/NPS@NPS, Margie
Ortiz/NCR/NPS@NPS, Janeen Tyson/USPP/NPS@NPS

bcc

Subject 12-49 Light Occupy DC FOIA

Hi Rhoda,

I'm attaching a copy of a FOIA request I received last week from an attorney with Occupy DC. He initial request was so broad that it would have meant searching everyone's e-mails going back to July, so I contacted him and he has clarified that he is only looking for information from USPP and NCR staff.

I also explained to him that the LotusNotes servers only have 30 days worth of records and that if we needed to search e-mails back to July it would involve a great deal of manual searching, including possibly having individual employees search their e-mail archives. He has agreed, therefore, to having us search only the active 30 days worth of e-mail that is on the Lotus Notes server for any messages using the phrases listed in his original request.

He is also now asking for a fee waiver, but did not provide enough justification to grant it so I'll be getting back to him with a request that he provide more justification. In the meantime, I'm hoping you could let me know how much time it would take to perform the search he is requesting for any e-mails to or from the USPP or NCR staff using the terms "Occupy DC", "Occupy DC", "Occupy Wallstreet", "Occupy Wall Street" or "McPherson".



light occupy dc foia.PDF

Please let me know if you have any questions.

Thanks,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." -
Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie



"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>
>

11/01/2011 11:21 AM

To "Line, William" <William_Line@nps.gov>

cc "Barna, David" <David_Barna@nps.gov>, "Schlosser, David"
<David_Schlosser@nps.gov>, "Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>

bcc

Subject RE: Need info. Occupy arrests?

Thanks Bill. Turns out it was FPS in Portland. Much appreciated, sorry for the slight fire drill.

-----Original Message-----

From: William_Line@nps.gov [mailto:William_Line@nps.gov]

Sent: Tuesday, November 01, 2011 10:21 AM

To: Fetcher, Adam K

Cc: Barna, David; Schlosser, David; Kelly, Kate P

Subject: Re: Need info. Occupy arrests?

Adam:

Yes, I heard media reports of arrests in Portland, Oregon yesterday (NPR, CBS Radio). I'm not aware of any here in Washington, D.C. at all. I hope this helps.

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: [REDACTED]

[REDACTED] Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

"Fetcher, Adam K"
<Adam_Fetcher@ios.doi.gov>

11/01/2011 09:39
AM

To
"Schlosser, David"
<David_Schlosser@nps.gov>, "Barna,
David" <David_Barna@nps.gov>,
"Line, William"
<William_Line@nps.gov>

cc
"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>

Subject
Need info. Occupy arrests?

Were any arrests made yesterday in conjunction with the Occupy protests?
That's all I've heard, not sure even where (maybe Portland). Do you have a
statement or any details for internal awareness?

Margie Ortiz/NCR/NPS

11/01/2011 01:04 PM

To Carol B Johnson/NACC/NPS@NPS, Tonya
Thomas/NACC/NPS@NPS
cc William Line/NCR/NPS@NPS

bcc

Subject Fw: 12-49 Light Occupy DC FOIA

For now, there may be little we have to do with the Light FOIA, except review documents for potential redactions. MO

Margie Ortiz
National Capital Region
Public Affairs and FOIA Specialist
Office of Communications
1100 Ohio Drive, SW
Washington, D.C. 20242
202-619-7359 (office)

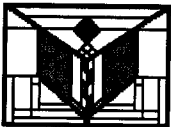
Visit us at:

www.facebook.com/gwnppublicaffairs

<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by Margie Ortiz/NCR/NPS on 11/01/2011 01:03 PM -----



Charis Wilson/DENVER/NPS

11/01/2011 12:49 PM

To Margie Ortiz/NCR/NPS@NPS

cc

Subject Re: 12-49 Light Occupy DC FOIA

Hi Margie,

Right now my plan is to have the C3 Lotus Notes support folks do the heavy lifting on the main servers. Once they get that completed, they should be able to give me a database with all the potentially responsive messages in it. I'll then have NCR and USPP review the messages to determine what, if anything, needs to be redacted. Once that is done I'll work with the Solicitor's office to draft a response.

So for now all NCR has to do is stand by and be ready to review potentially responsive records.

Thanks,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287

303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

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Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie

Margie Ortiz/NCR/NPS

Margie Ortiz/NCR/NPS

11/01/2011 07:40 AM

To Charis Wilson/DENVER/NPS@NPS

cc

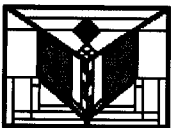
Subject Re: 12-49 Light Occupy DC FOIA 

Charis -- Are you handling this FOIA and we are simply providing you with the documents, or do we have the lead? Margie

Margie Ortiz
National Capital Region
Public Affairs and FOIA Specialist
Office of Communications
1100 Ohio Drive, SW
Washington, D.C. 20242
202-619-7359 (office)


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<http://www.youtube.com/gwnppublicaffairs1>
<http://www.flickr.com/photos/gwnppublicaffairs>

Charis Wilson/DENVER/NPS



Charis Wilson/DENVER/NPS

10/31/2011 11:33 AM

To Rhoda Upshur/WASO/NPS@NPS

cc William Line/NCR/NPS@NPS, Margie
Ortiz/NCR/NPS@NPS, Janeen Tyson/USPP/NPS@NPS

Subject 12-49 Light Occupy DC FOIA

Hi Rhoda,

I'm attaching a copy of a FOIA request I received last week from an attorney with Occupy DC. He initial request was so broad that it would have meant searching everyone's e-mails going back to July, so I contacted him and he has clarified that he is only looking for information from USPP and NCR staff.

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He is also now asking for a fee waiver, but did not provide enough justification to grant it so I'll be getting back to him with a request that he provide more justification. In the meantime, I'm hoping you could let me know how much time it would take to perform the search he is requesting for any e-mails to or from the USPP or NCR staff using the terms "Occupy DC", "Occupy DC", "Occupy Wallstreet", "Occupy Wall Street" or "McPherson".

[attachment "light occupy dc foia.PDF" deleted by Charis Wilson/DENVER/NPS]

Please let me know if you have any questions.

Thanks,

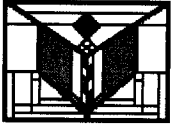
C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

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Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie



Charis Wilson/DENVER/NPS

11/04/2011 02:39 PM

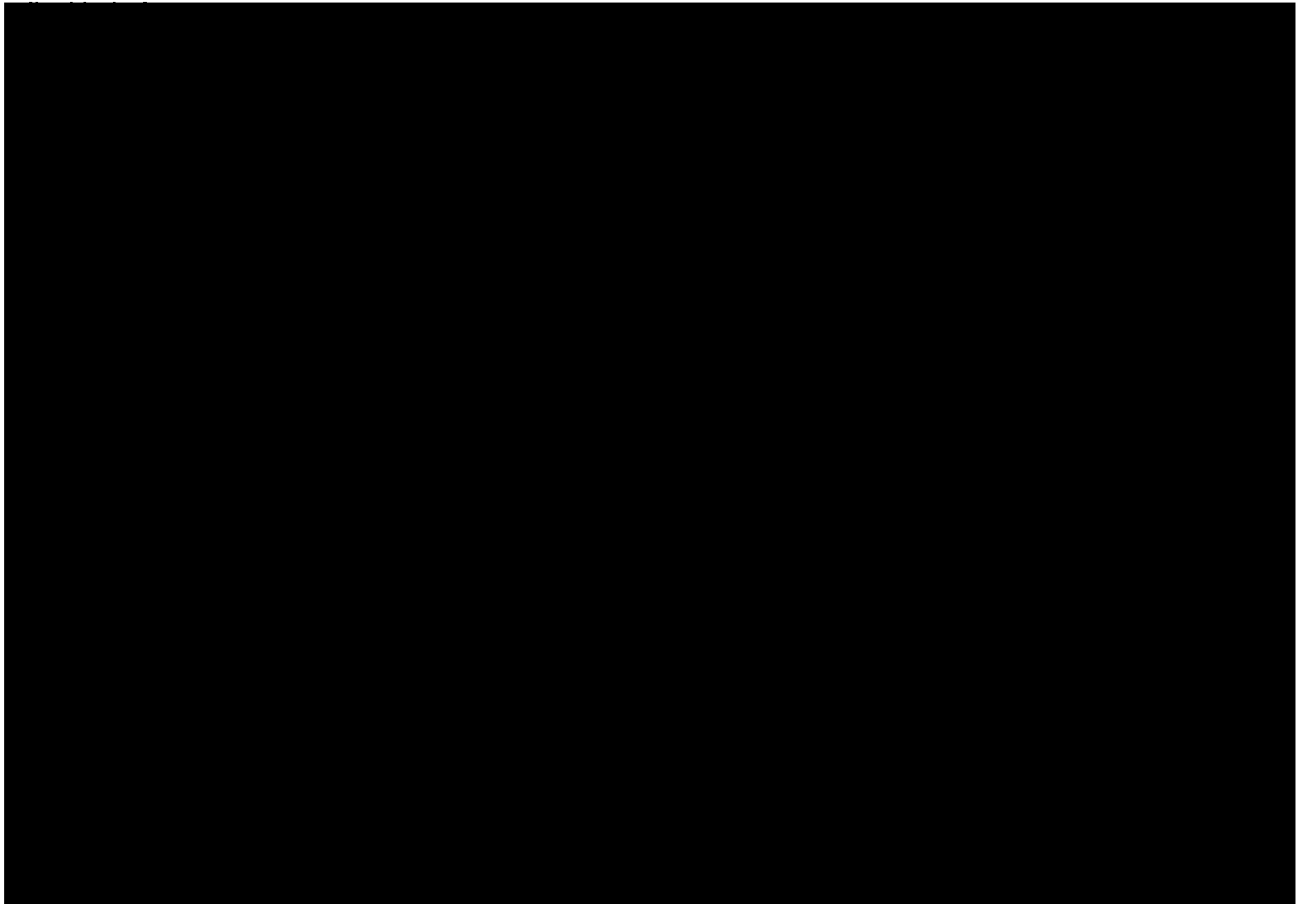
To JASON_WAANDERS@sol.doi.gov, DStrayhorn@sol.doi.gov

cc Maureen Foster/WASO/NPS@NPS, Janeen
Tyson/USPP/NPS@NPS, William Line/NCR/NPS@NPS,
Margie Ortiz/NCR/NPS@NPS, John R

bcc

Subject Consultation on 12-32 Light Occupy DC FOIA Fee Waiver
Request

Hi All,



C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

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Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie

----- Forwarded by Charis Wilson/DENVER/NPS on 11/04/2011 12:06 PM -----



Jeff Light
<jeffrey.light@yahoo.com>

11/04/2011 11:50 AM

Please respond to
Jeff Light
<jeffrey.light@yahoo.com>

To "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>
cc

Subject Re: 12-32 Light Occupy DC FOIA Fee Waiver Clarification
Request

Ms. Wilson,

Thank you for providing me with the opportunity to clarify my fee waiver request. I hope the following information will enable you to grant a fee waiver.

1. The records requested will be meaningfully informative of the Bureau's operation and activities as it relates to the exercise of First Amendment activities on federal park land. The records requested pertain to OccupyDC, a group of individuals inspired by the Occupy Wall Street movement. Members of OccupyDC have been present in McPherson Square around-the-clock for approximately one month to protest against what they believe to be unfair government policies. While some of the Park Service's regulations regarding First Amendment activity, as embodied in the CFR and Compendium, are clear, it is unclear how other provision are to be interpreted and enforced. The requested records will provide the public with an opportunity to understand what the Bureau's policies are and how they are applied and enforced in practice. For example, there has been some confusion in the media relating to whether certain activities conducted by OccupyDC constitute camping in violation of the law. See "Occupy DC: McPherson Square Protesters Can't Camp. Or Can They?" available at http://www.huffingtonpost.com/2011/11/01/occupy-dc-camping_n_1068027.html?ref=dc This article cites Carol Johnson, a spokeswoman for NPS, explaining that it can be difficult to tell the difference between a vigil, which is allowed, and camping, which is not allowed. The requested records will help shed light on how the Bureau determines on which side of the law certain activities fall.

I am a lawyer specializing in First Amendment issues and have been advising

the OccupyDC group as well as speaking to other lawyers working with other Occupy groups around the country. I have also been speaking with the media, specifically the Huffington Post, in order to educate the public about First Amendment rights on federal park land. As such, I will be able to use the requested information to help advise OccupyDC and the public generally about the Bureau's operations and activities.

2. The records requested are not for my personal knowledge, but for the benefit of the public. There has been intense media interest in the Occupy movement worldwide and numerous articles have been written specifically about OccupyDC. The public has an interest in knowing how the OccupyDC protesters are being treated by the Bureau and how the Bureau views OccupyDC's activities. Additionally, potential protesters and lawyers advising them around the country are interested in learning how the Bureau perceives and acts in response to the Occupy movement and to protesters generally. For example, I have been contacted by a lawyer advising Occupy protesters in another city who was trying to determine whether to advise a group to conduct their protest on federal park property or city property and wanted to know how the Bureau has been treating protesters in OccupyDC.

3. I intend to disseminate the information through the website OccupyDC.org, to email lists of lawyers advising Occupy protesters around the country, and to local and national media. Specifically, I have been in contact with reporters for the Huffington Post, Salon, and other media entities who have expressed an interest in publishing information which relates to the operations and activities of the Bureau as it relates to OccupyDC.

4. The records sought likely contain new information that is not currently publicly available. Although the CFR and Compendium are publicly available, records which reveal how the Bureau interprets and enforces these regulations is not currently available. A Washington Post article quotes Bob Vogel, superintendent of the Park Service's National Mall and Memorial Parks as stating that there is a "fine line" between respecting freedom of speech on the one hand and protecting park facilities and ensuring public safety on the other.

http://www.washingtonpost.com/blogs/dc-wire/post/occupy-dc-focus-of--sensitivediscussions/2011/10/22/gIQABUgX7L_blog.html The public has an interest in knowing where the Bureau is drawing the line and how it decided

where that line should be, and such information is not currently publicly available.

5. I have no commercial interest in the requested records. The purpose of the request is solely to inform the public about Bureau activities.

Thank you,

Jeffrey Light

From: "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>
To: Jeff Light <jeffrey.light@yahoo.com>
Sent: Wednesday, November 2, 2011 11:09 AM
Subject: 12-32 Light Occupy DC FOIA Fee Waiver Clarification Request

United States Department of the Interior
NATIONAL PARK SERVICE
DENVER SERVICE CENTER
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

November 2, 2011

A7221 (NPS-2012-00032)

Mr. Jeffrey Light
1712 Eye Street, NW
Suite 915
Washington, DC 20006

Dear Mr. Light:

Reference: Records Relating to Occupy DC

Subject: Freedom of Information Act Request Dated October 24, 2011

In your e-mail of October 28, 2011, you indicated that you were limiting the scope of your request to records in the National Capital Region and US Park Police e-mail records for the past thirty days and also requested a fee waiver. The FOIA permits documents to be furnished without charge or at

a reduced charge if disclosure of the information.

Is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the Government, and

Is not primarily in your commercial interest.

However, due to the limited amount of information you have provided we are currently unable to make a determination on your fee waiver request. To assist us in making a decision on your request for a fee waiver, we ask that you address the following as applicable. You must be specific in addressing the Department's fee waiver criteria for each request you submit, regardless of whether you may have been granted a fee waiver previously.

Explain how the records you are seeking will be meaningfully informative with respect to the bureau's operations and activities. Your identity, vocation, qualifications, and expertise regarding the requested information may be relevant factors.

Explain how disclosure of the records will contribute to the understanding of the public at large or a reasonably broad audience as opposed to only enhancing your knowledge.

Explain how and to whom you intend to disseminate the information and how you intend to use the information to contribute to public understanding.

Explain how release of the requested records will contribute significantly to public understanding. For example, is the information being disclosed new, does the information confirm or clarify data released previously, and is the information publicly available? Explain how disclosure will increase the level of public understanding that existed prior to disclosure.

Explain whether you have a commercial interest that would be furthered by disclosure and if so, whether the public interest in disclosure would be greater than any commercial interest you or your organization would have in the documents.

If you are still interested in obtaining these documents, please provide additional information to support your fee waiver request or written assurance of your willingness to pay all fees or specify the maximum amount

that you are willing to pay for the bureau to process your request. This will allow us to begin processing your request for records while considering your fee waiver request. If the bureau grants your fee waiver request, we will not charge fees to the extent that it grants the waiver. If you have agreed to pay fees up to a particular amount, we will contact you when we have processed your request up to that amount before proceeding further.

If we do not hear from you by November 14, 2011, we will have no choice but to make our determination on your fee waiver request based on the limited information you have provided, which may result in a denial of your fee waiver request. If we deny your fee waiver request and you have not already agreed to pay fees, we will provide you with an estimate for the costs to process your request.

Please do not hesitate to contact me with any further questions or concerns.

Sincerely,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." – Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." – Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" – Adolph Murie

Jeff Light
<jeffrey.light@ya
hoo.com>

To

10/28/2011 09:56
PM

"Charis_Wilson@nps.gov"
<Charis_Wilson@nps.gov>

cc

Please respond to
Jeff Light
<jeffrey.light@yahoo.com>

"William_Line@nps.gov"
<William_Line@nps.gov>,
"Margie_Ortiz@nps.gov"
<Margie_Ortiz@nps.gov>,
"Janeen_Tyson@nps.gov"
<Janeen_Tyson@nps.gov>

Subject

Re: OccupyDC FOIA request
clarification questions

Ms. Wilson,

My request is intended to be limited to the National Capital Region and the US Park Police.

I also agree to limit my search for emails to the previous 30 days in order that manual searches need not be performed. Please have the Lotus Notes technician perform a search of the main server using the search terms I submitted.

I do not object to being characterized as OTHER for fee purposes. I am not a member of the news media or a scientific or educational organization and the information is not requested for commercial purposes. However, I would request that a waiver of fees be considered because the information sought is likely to contribute to public understanding of the operation of the National Park Service as it relates to First Amendment activity. I intend to disseminate the information I receive to the public via websites in order to increase awareness of how the federal government monitors political protesters exercising their rights on Park property.

Thank you,
Jeffrey Light

Reference: Records Relating to Occupy DC

Subject: Freedom of Information Act Request Dated October 24, 2011

In your e-mail of October 28, 2011, you indicated that you were limiting the scope of your request to records in the National Capital Region and US Park Police e-mail records for the past thirty days and also requested a fee waiver. The FOIA permits documents to be furnished without charge or at a reduced charge if disclosure of the information—

Is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the Government, and
Is not primarily in your commercial interest.

However, due to the limited amount of information you have provided we are currently unable to make a determination on your fee waiver request. To assist us in making a decision on your request for a fee waiver, we ask that you address the following as applicable. You must be specific in addressing the Department's fee waiver criteria for each request you submit, regardless of whether you may have been granted a fee waiver previously.

Explain how the records you are seeking will be meaningfully informative with respect to the bureau's operations and activities. Your identity, vocation, qualifications, and expertise regarding the requested information may be relevant factors.

Explain how disclosure of the records will contribute to the understanding of the public at large or a reasonably broad audience as opposed to only enhancing your knowledge.

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Explain how release of the requested records will contribute significantly to public understanding. For example, is the information being disclosed new, does the information confirm or clarify data released previously, and is the information publicly available? Explain how disclosure will increase the level of public understanding that existed prior to disclosure.

Explain whether you have a commercial interest that would be

furthered by disclosure and if so, whether the public interest in disclosure would be greater than any commercial interest you or your organization would have in the documents.

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Please do not hesitate to contact me with any further questions or concerns.

Sincerely,

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Jeff Light
<jeffrey.light@yahoo.com>
10/28/2011 09:56 PM
To
"Charis_Wilson@nps.gov"
<Charis_Wilson@nps.gov>
cc
"William_Line@nps.gov"
<William_Line@nps.gov>,
Please respond to "Margie_Ortiz@nps.gov"
Jeff Light <Margie_Ortiz@nps.gov>,
<jeffrey.light@yahoo.com> "Janeen_Tyson@nps.gov"
<Janeen_Tyson@nps.gov>
Subject
Re: OccupyDC FOIA request
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From: "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>
To: jeffrey.light@yahoo.com
Cc: William_Line@nps.gov; Margie_Ortiz@nps.gov; Janeen_Tyson@nps.gov
Sent: Friday, October 28, 2011 4:45 PM
Subject: OccupyDC FOIA request clarification questions

Mr. Light,

I received your October 24, 2011 FOIA request in today's mail. (See attached file: light occupy dc foia.PDF)

However, we cannot begin processing it because it is not currently clear which of the 395+ NPS park, regional and field offices you are seeking records from. While I am assuming that you are only looking for records from NPS sites and offices located in Washington, D.C., e.g. the National Capital Region, the National Mall or the US Park Police, we cannot base our processing of your request on such assumptions. We must instead clarify the scope of your request.

Your request also did not provide us with enough information to determine which fee category you belong too. Again, we could assume that you are OTHER and thus would be entitled to 2 free hours of search time and 100 free pages, but simply indicating that you have no commercial or personal interest in the information does not provide us with enough information. So again, since we are not supposed to base our FOIA responses on assumptions, I am contacting you for clarification.

Please be aware that since you have specifically requested e-mail documents and our central e-mail server only retains 30 days worth of e-mail messages, as currently worded your request will require that employees, within the locations you are asking for records from, perform manual searches of their individual e-mail archives. Such a search could be very costly. Therefore, any additional information you can provide that would help narrow the scope of your request will be helpful not only to our processing of your request but will also reduce the amount of time and effort required to search for potentially responsive records, which will in turn reduce the amount of fees that you would incur for our processing.

Another possible option would be to have our LotusNotes technicians perform a search of the main server using the terms you provided. You could then submit additional requests based on your review of the materials located in the initial search of the main Lotus Notes servers.

Additionally, while you are by no means required to do so as part of the FOIA process, it might also help to narrow the scope of our search if you could provide us with background information regarding what you need the materials for. For example, if we knew that you were looking for information related to the process for issuing permits, that would help us to narrow the scope of the search to the office that handles such matters.

Sincerely,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
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"Let us be guardians, not gardeners" – Adolph Murie



"Waanders, Jason"
<JASON.WAANDERS@sol.doi.gov>

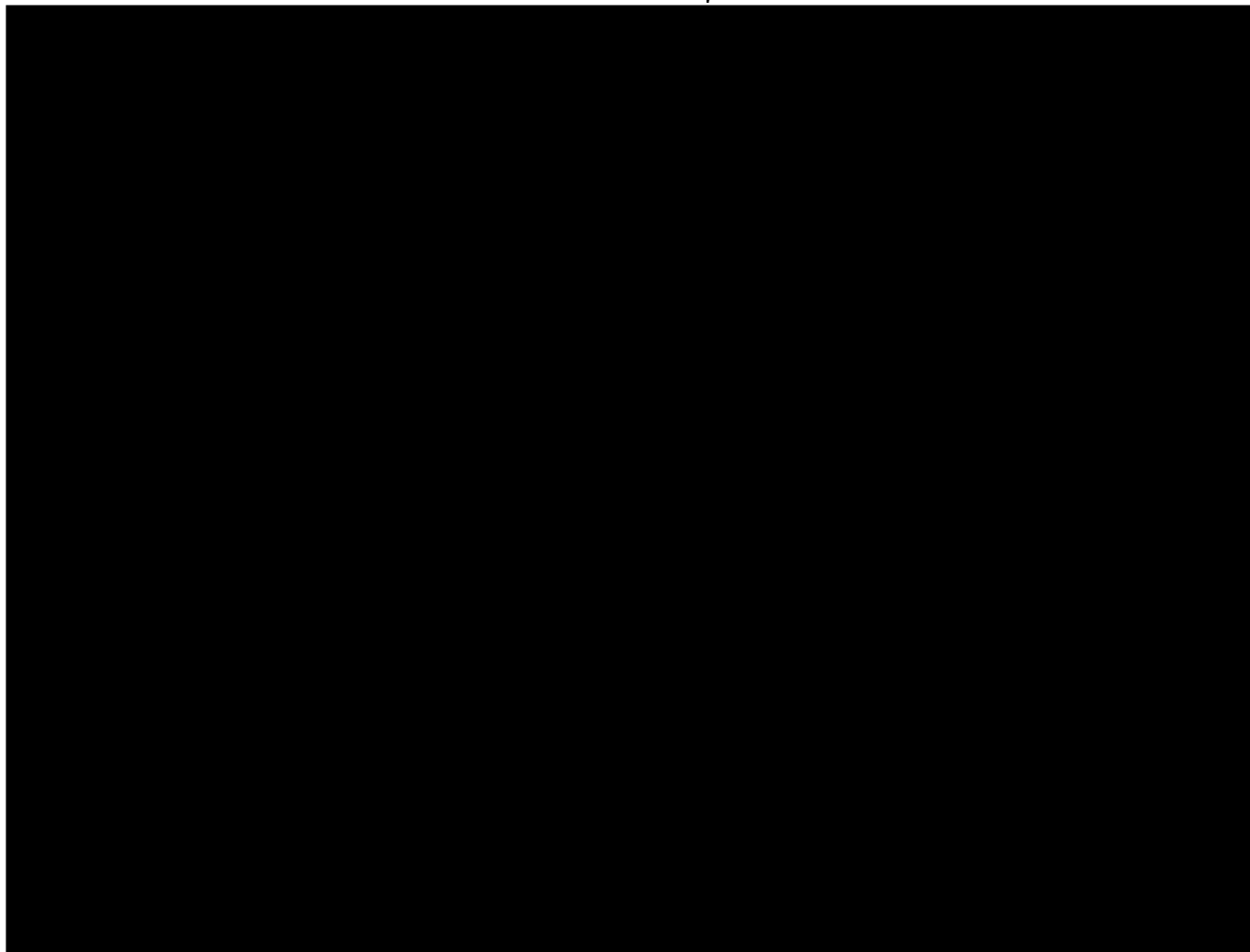
11/04/2011 03:29 PM

To "Wilson, Charis" <Charis_Wilson@nps.gov>, "Strayhorn, Darrell" <Darrell.Strayhorn@sol.doi.gov>

cc "Foster, Maureen" <Maureen_Foster@nps.gov>, "Tyson, Janeen C." <Janeen_Tyson@nps.gov>, "Line, William" <William_Line@nps.gov>, "Ortiz, Margie L."

bcc

Subject RE: Consultation on 12-32 Light Occupy DC FOIA Fee Waiver Request



Jason Waanders

U.S. Department of the Interior, Office of the Solicitor

1849 C Street, NW, Room 5319

Washington, DC 20240

(202) 208-7957

Thank you, in advance, for your time and input on this potentially controversial issue.

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
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"Let us be guardians, not gardeners" - Adolph Murie

----- Forwarded by Charis Wilson/DENVER/NPS on 11/04/2011 12:06 PM -----

Jeff Light <jeffrey.light@yahoo.com>

To: "Charis Wilson@nps.gov" <Charis_Wilson@nps.gov>

cc

11/04/2011 11:50 AM

SubjectRe: 12-32 Light Occupy DC FOIA Fee Waiver Clarification Request

Please respond to Jeff Light < jeffrey.light@yahoo.com >
--

Ms. Wilson,

Thank you for providing me with the opportunity to clarify my fee waiver request. I hope the following information will enable you to grant a fee waiver.

1. The records requested will be meaningfully informative of the Bureau's operation and activities as it relates to the exercise of First Amendment activities on federal park land. The records requested pertain to OccupyDC, a group of individuals inspired by the Occupy Wall Street movement. Members of OccupyDC have been present in McPherson Square around-the-clock for approximately one month to protest against what they believe to be unfair government policies. While some of the Park Service's regulations regarding First Amendment activity, as embodied in the CFR and Compendium, are clear, it is unclear how other provision are to be interpreted and enforced. The requested records will provide the public with an opportunity to understand what the

Bureau's policies are and how they are applied and enforced in practice. For example, there has been some confusion in the media relating to whether certain activities conducted by OccupyDC constitute camping in violation of the law. See "Occupy DC: McPherson Square Protesters Can't Camp. Or Can They?" available at http://www.huffingtonpost.com/2011/11/01/occupy-dc-camping_n_1068027.html?ref=dc This article cites Carol Johnson, a spokeswoman for NPS, explaining that it can be difficult to tell the difference between a vigil, which is allowed, and camping, which is not allowed. The requested records will help shed light on how the Bureau determines on which side of the law certain activities fall.

I am a lawyer specializing in First Amendment issues and have been advising the OccupyDC group as well as speaking to other lawyers working with other Occupy groups around the country. I have also been speaking with the media, specifically the Huffington Post, in order to educate the public about First Amendment rights on federal park land. As such, I will be able to use the requested information to help advise OccupyDC and the public generally about the Bureau's operations and activities.

2. The records requested are not for my personal knowledge, but for the benefit of the public. There has been intense media interest in the Occupy movement worldwide and numerous articles have been written specifically about OccupyDC. The public has an interest in knowing how the OccupyDC protesters are being treated by the Bureau and how the Bureau views OccupyDC's activities. Additionally, potential protesters and lawyers advising them around the country are interested in learning how the Bureau perceives and acts in response to the Occupy movement and to protesters generally. For example, I have been contacted by a lawyer advising Occupy protesters in another city who was trying to determine whether to advise a group to conduct their protest on federal park property or city property and wanted to know how the Bureau has been treating protesters in OccupyDC.

3. I intend to disseminate the information through the website OccupyDC.org, to email lists of lawyers advising Occupy protesters around the country, and to local and national media. Specifically, I have been in contact with reporters for the Huffington Post, Salon, and other media entities who have expressed an interest in publishing information which relates to the operations and activities of the Bureau as it relates to OccupyDC.

4. The records sought likely contain new information that is not currently publicly

available. Although the CFR and Compendium are publicly available, records which reveal how the Bureau interprets and enforces these regulations is not currently available. A Washington Post article quotes Bob Vogel, superintendent of the Park Service's National Mall and Memorial Parks as stating that there is a "fine line" between respecting freedom of speech on the one hand and protecting park facilities and ensuring public safety on the other.

http://www.washingtonpost.com/blogs/dc-wire/post/occupy-dc-focus-of--sensitive-discussions/2011/10/22/gIQABUgX7L_blog.html The public has an interest in knowing where the Bureau is drawing the line and how it decided where that line should be, and such information is not currently publicly available.

5. I have no commercial interest in the requested records. The purpose of the request is solely to inform the public about Bureau activities.

Thank you,

Jeffrey Light

From: "Charis_Wilson@nps.gov" <Charis_Wilson@nps.gov>
To: Jeff Light <jeffrey.light@yahoo.com>
Sent: Wednesday, November 2, 2011 11:09 AM
Subject: 12-32 Light Occupy DC FOIA Fee Waiver Clarification Request

United States Department of the Interior
NATIONAL PARK SERVICE
DENVER SERVICE CENTER
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

November 2, 2011

A7221 (NPS-2012-00032)

Mr. Jeffrey Light
1712 Eye Street, NW
Suite 915
Washington, DC 20006

Dear Mr. Light:



Charis Wilson/DENVER/NPS

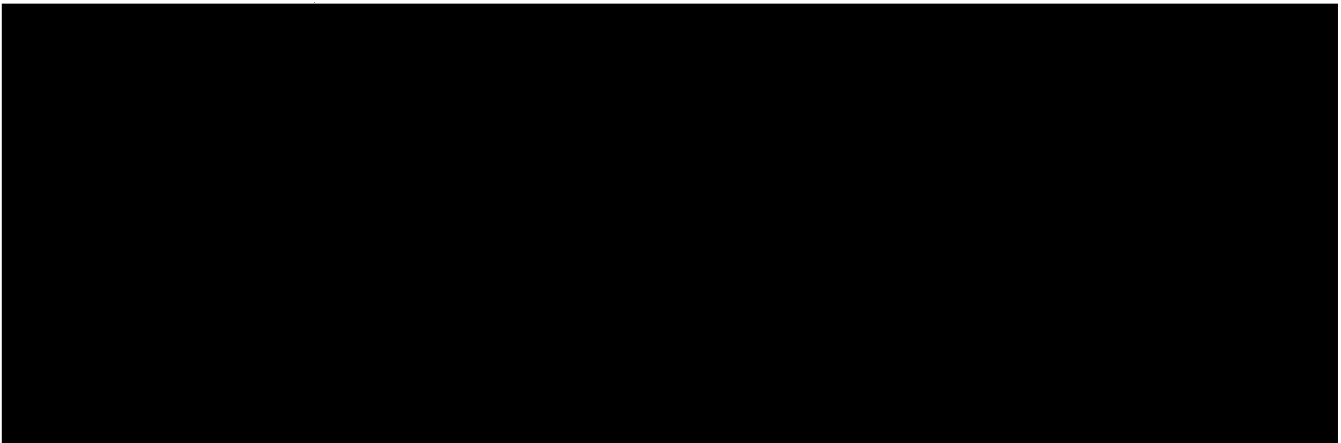
11/04/2011 03:44 PM

To "Waanders, Jason" <JASON.WAANDERS@sol.doi.gov>

cc "Roth, Barry" <BARRY.ROTH@sol.doi.gov>, "Strayhorn, Darrell" <Darrell.Strayhorn@sol.doi.gov>, "Barna, David" <David_Barna@nps.gov>, "Tyson, Janeen C."

bcc

Subject RE: Consultation on 12-32 Light Occupy DC FOIA Fee Waiver Request



c.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

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"Waanders, Jason" <JASON.WAANDERS@sol.doi.gov>



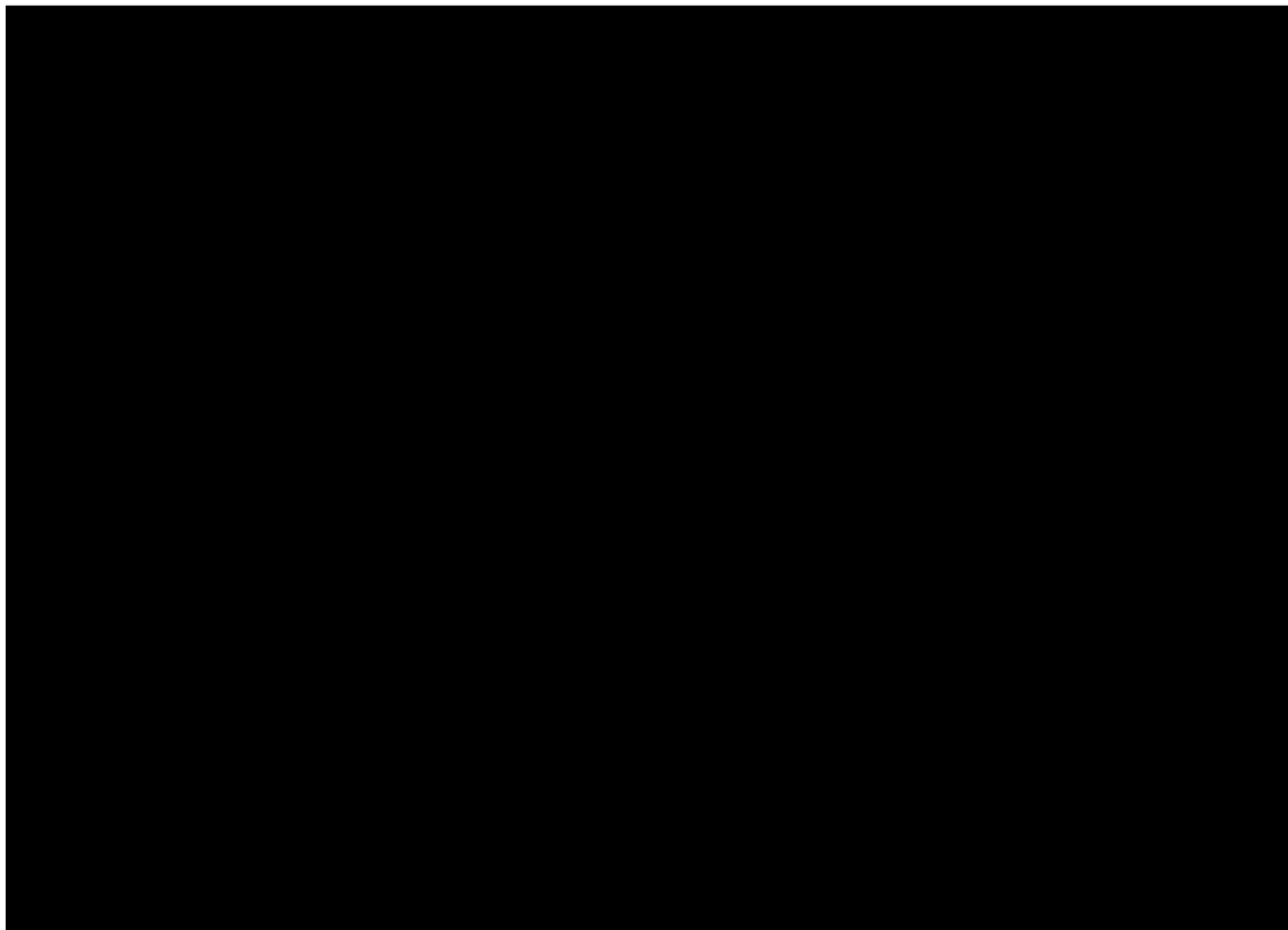
"Waanders, Jason"
<JASON.WAANDERS@sol.doi.gov>

11/04/2011 01:29 PM

To "Wilson, Charis" <Charis_Wilson@nps.gov>, "Strayhorn, Darrell" <Darrell.Strayhorn@sol.doi.gov>

cc "Foster, Maureen" <Maureen_Foster@nps.gov>, "Tyson, Janeen C." <Janeen_Tyson@nps.gov>, "Line, William" <William_Line@nps.gov>, "Ortiz, Margie L." <Margie_Ortiz@nps.gov>, "Snyder, John R." <John_R_Snyder@nps.gov>, "Barna, David" <David_Barna@nps.gov>, "Eaton, Robert" <Robert.Eaton@sol.doi.gov>, "Roth, Barry" <BARRY.ROTH@sol.doi.gov>

Subject RE: Consultation on 12-32 Light Occupy DC FOIA Fee Waiver Request



Jason Waanders

U.S. Department of the Interior, Office of the Solicitor

1849 C Street, NW, Room 5319

Washington, DC 20240

(202) 208-7957

(202) 208-3877 (fax)

jason.waanders@sol.doi.gov



David Barna/WASO/NPS
11/07/2011 12:46 PM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey
cc
bcc
Subject McPherson Square Protesters

----- Forwarded by David Barna/WASO/NPS on 11/07/2011 12:45 PM -----



"AlertDC"
<alert25806@alert.ema.dc.gov>
v>
11/07/2011 12:37 PM EST

To "Transportation Alert Recipients" <rsan@alert.ema.dc.gov>
cc
Subject Protesters

MPD reports approximately 75 protesters in the area of McPherson Square. They are reported to be in the 800 block of L Street NW blocking traffic in both directions. Please avoid the area.



"Morrow Family"

[REDACTED]

11/08/2011 10:55 PM

To <Undisclosed-Recipient;>

cc

bcc William Line/NCR/NPS

Subject Rochester (NY) City Paper EDITORIAL: Why Occupy must succeed

<http://www.rochestercitynewspaper.com/news/opinion/2011/11/EDITORIAL-Why-Occupy-must-succeed/>

Rochester (NY) City Paper
Tuesday, November 8, 2011

EDITORIAL: Why Occupy must succeed

Rochester is a city with a proud history of protests. Women's suffrage, abolition, anti-war, civil rights, labor rights, education: generation after generation, Rochesterians have mounted large, often effective protests on the major issues of the day. And right now a particularly significant protest, Occupy Rochester, is taking place in Washington Square Park, under the gaze of the statue of Abraham Lincoln.

Also significant is an outgrowth of that protest: the dispute between City Hall and the Occupiers over First Amendment rights.

Occupy Rochester is part of the national Occupy Wall Street movement protesting assaults on democracy and justice - assaults that, to me, are among the most serious in this nation's history. Growing wealth disparity, corporate power, and, yes, blatant corporate greed threaten to erode basic social safety-net protections, wipe out job and educational opportunities for many Americans, and put government in the hands of a few. If we go much farther down this road, the United States will be a democracy in name only.

The Rochester protest began at the Liberty Pole downtown and in front of Bank of America. It has since moved to Washington Square Park, a beautiful little public square of grass and trees surrounded by Geva, St. Mary's and First Universalist Churches, and the Bausch & Lomb headquarters. The park's history makes it an appropriate place for this demonstration: it was Rochester's first public park, and it has been the site of numerous protests and public gatherings around important civic issues. One of the city's most revered protesters, Frederick Douglass, gave speeches there.

Under city regulations, the park is closed between 11 p.m. and 5 a.m. Rochester Occupiers want their protest to be like many of the others around the country: an encampment, an ongoing, 24-hour event consisting of public addresses, community meetings, news sharing, eating, and sleeping.

City Hall has decided to enforce its park closing rules, however, and on October 28, police arrested 32 people who refused to leave the park at 11 p.m. Since then, there have been more

arrests. Occupy members have asked that the charges be dropped - and that protesters be permitted to stay in the park overnight.

Mayor Tom Richards is adamant. He doesn't have the power to drop the charges, he says. "I don't arrest," he said in a City interview last week, "and I don't un-arrest." And he won't permit a 24-hour Occupation. "The law that is in place now does not allow for camping there," he said.

Richards also insists that staying beyond the park's closing hours, camping overnight in the park, isn't protected by the First Amendment. "It's not a form of speech," he said. The Supreme Court has ruled on that issue, he says.

And yes, it has. In a 7-2 decision in 1984 - Thurgood Marshall being one of the dissenters, by the way - the Court said that government has a right to forbid camping in a public park, even when that camping is done as part of a protest.

In the 1984 case, a group called Community for Creative Non-Violence wanted to create encampments in Lafayette Park and on the Mall in Washington, DC, to call attention to homelessness. The National Park Service issued permits for the encampments and said protesters could erect tent cities in the parks. But, the Park Service said, protesters could not sleep in the tents because camping - "defined as including sleeping activities," in the Court's words - was not permitted in either of the two parks.

Courts have also said that free speech is not an unlimited right, that, for instance, "government can make reasonable stipulations about the time, place, and manner a peaceable protest can take place," notes a recent ProPublica post on syracuse.com, "as long as those restrictions are applied in a content-neutral way."

And so the Supreme Court has sided with Richards. He has the authority to deny the protesters' request. But he is not required to. He could grant the request, if he chose to do so, as government officials in other cities have. The New York Civil Liberties Union and its local branch, the Genesee Chapter, want him to do just that. An Occupy Rochester 24-hour stay-in is a form of speech, they say.

There are many ways to protest, and Americans have used them since the beginning of the country's history: marches, picket lines, sit-ins. And encampments: peaceful occupations of public space to call attention to injustice.

This form of protest is not new. Similar actions have ranged from encampments on university campuses focusing on the needs of the homeless to the 1968 Poor People's Campaign encampment on the Mall in Washington. The point is occupation. Staying put.

"Occupying," wrote protester Dana Spiotta on occupysyracuse.org recently, "means refusing to go away."

"The duration is a crucial component," Spiotta wrote. "The press and the attention of the whole

world have come because of the relentless sleeping and living in Zuccotti Park. The protest isn't over when the rally is over. It isn't over when the IMF or the WTO meeting is over. In that way it is more like a sit-in or a strike - all historically very powerful tactics."

"Our economic injustices are chronic," Spiotta said, "and so then must be the protest."

And note what a mild form of occupation this is. The protesters are not trying to occupy the major banks and investment firms, the root of much of the Occupy movement's criticism. They are not trying to occupy the offices of the federal government, although it is the federal government that permitted the creation of the financial crisis. In cities throughout the country, they are occupying public parks, of which they are part owners.

Reading the statements coming out of City Hall, and hearing the silence coming from City Council, I wonder if the Democrats who run the place understand the image they're fashioning. They look like the Establishment so many of us rebelled against in the 1960's. Richards is particularly vulnerable on this point, since in his previous life he was a corporate executive, got a substantial payment when he left, and has brought other corporate executives into his administration.

The folks at City Hall aren't the only ones with an Establishment viewpoint, of course. You hear the language everywhere you turn, in Rochester and elsewhere: "The protesters are a fringe group." "They can't tell anybody what they want, what their point is." "They're disorganized." (It's no small matter, of course, that "properly organized" Establishment institutions have gotten this country into the mess it's in.)

"What if they turn violent?" Violent acts by Occupy participants have been rare, but as usual, they've made the headlines. And as usual in anti-Establishment movements, Establishment interests seize on those isolated incidents to shape the story of the Occupation and try to turn public sentiment against it.

The Establishment reaction to the Occupy movement reminds me of the reaction to civil rights, Black Power efforts in Rochester in the 1960's. As activists brought in Saul Alinsky to help organize the FIGHT organization, and FIGHT pushed for a job training program at Kodak, the Rochester Establishment was appalled - and obviously perplexed. Protesters weren't pressing their concerns in the proper way: the way disagreements were discussed in Rochester's corporate board rooms and country clubs.

Rochester's mayor doesn't express his denial of a full Occupation in those terms. He is, he says, simply enforcing city law and doing his duty to protect public safety. He isn't preventing the protest. He's simply insisting that it conform to park rules.

But Richards himself voiced an interesting objection in City's interview with him last week. Occupy Rochester, he said, "is not connected, as far as I can figure out, with anything they're protesting about."

"In the civil rights protest," Richards said, "if you went and sat in the front of the bus and got arrested, the two were connected. But the idea of not camping in the park is not related to stopping the war in Afghanistan. And so we've got a fundamental disconnect here."

So does this mean that all of us who took part in anti-war protests during the Vietnam War weren't really protesting because our candlelight marches down Broad Street weren't directly related to the napalming of children in Vietnam and the bombing of Cambodian villages? (In fact, at that time several Rochester protesters did do something more starkly connected to the war: they marched into some of Rochester's mainline churches and carried caskets down the aisles, disrupting the worship services. And hoo boy, did that cause a stir.)

In a November 3 [blog](#), the New Yorker's Hendrik Hertzberg quoted Atlanta Mayor Kasim Reed, who first supported Occupy Atlanta but has since done an about face, having 50 protesters arrested and clearing out the park they were occupying. "The attitude I have seen here is not consistent with any civil rights protests I have seen in Atlanta," Reed had told the New York Times, "and certainly not consistent with the most respected forms of civil disobedience."

Observed Hertzberg: "Whether he's right about Occupy depends on whether the Bonus Army (1932) and the Poor People's Campaign's 'Resurrection City' encampment (1968, after Dr. King's assassination) count as 'most respected' or just respected."

The Bonus Army is an interesting precedent. The Depression threw many World War I veterans out of work, and while the federal government promised them a bonus, they couldn't collect it until 1945. Frustrated and desperate, thousands of veterans, family members, and supporters gathered in Washington and created an encampment in a public park as a protest. While police and military troops eventually forced an end to the encampment, some historians credit the Bonus Army occupation with helping defeat President Herbert Hoover in the 1932 election. Several years after Franklin Roosevelt's election, the veterans got their bonuses. And their protest contributed to the creation of the GI Bill of Rights.

In many Occupy cities, incidentally, veterans are among the protesters, and it was a veteran who was wounded by police late last month during the Oakland, California, protest.

Many critics assume that the Occupy movement is a youth movement, carried on by students and young adults who don't have jobs. In fact, Occupy is more diverse, in age, than it is given credit for. But young people are heavily involved, and that is significant. Young Americans are often accused of not being involved in civic life. The Rochester Establishment - business and government leaders - spends a great deal of energy trying to reach out to young adults, to get them to stay here and be involved in the community. A lot of them are involved. And some of them are expressing that involvement at Washington Square Park.

It's encouraging that throughout the country, young people are so heavily involved in Occupy. They were involved in the 2008 presidential campaign, helping send Barack Obama to the White House. Since then, Obama has disappointed, dismayed, and discouraged many of them - for

reasons that form part of the base of their protest. The past few years might have turned them off from politics completely; instead, they are a major force in the Occupy movement.

Many Americans are worried about the problems of wealth disparity, joblessness, and corporate greed. But Republicans in Washington have been shouting down the concerns, peddling the message that equality is class warfare and that fair taxation will kill jobs. Democrats, for the most part, have cowered in the corner. Until Occupy Wall Street, hardly anybody was doing anything in response.

Will the Occupy movement have any effect? Only if political leaders listen and act. Occupy has been compared frequently to the Tea Party movement, and certainly the Tea Party has had an effect, yanking the Republican Party sharply to the right and gaining an influence on national policy that is larger than the movement's numbers (or its public support). Could Occupy have a similar impact?

In a New Yorker **column** last week, Hendrik Hertzberg concluded that "translating the visionary protest of the Wall Street Occupiers into the grubby Washington politics of electoral calculation and legislative maneuvering is unlikely to be as easy as it was for the Tea Partiers and the Republicans."

"The Tea Party," Hertzberg wrote, "is simply better adapted to - and, despite its angry face, less alienated from - the actually existing environment of American politics and government." And, Hertzberg noted, the Tea Party has gotten money - lots of it - from the Koch Brothers' PAC and Dick Armey's FreedomWorks "while Fox News and talk radio provided it with a ready-made apparatus for organizing and propaganda."

Significantly, the Tea Party set out almost from the beginning to put Party sympathizers in office, targeting less conservative incumbents in Republican primaries. Republican leaders got the message and, said Hertzberg, "the impact on Republican governance, if that's the right word, was unmistakable." Republicans in Congress are behaving in a way they never would have if it weren't for Tea Party pressure.

It's too early to know whether Occupy will gain that kind of influence. At the moment, much of the Establishment - inside politics and outside - seems dismissive. But the Occupiers have a lot going for them. Polls have repeatedly indicated that most Americans are deeply unhappy with the federal government and that Congress is less popular than President Obama.

Most respondents in a recent Time magazine poll said they feel that the political debates in Washington aren't addressing their concerns. Ninety-three percent said they don't consider themselves a member or a follower of the Tea Party movement. A majority said their opinion of the Occupy protest is "very" or "somewhat" favorable.

And on a couple of key Occupy issues: 86 percent said they agree that "Wall Street and its lobbyists have too much influence in Washington," and 79 percent agreed that "the gap between rich and poor in the United States has grown too large."

With much of the American public concerned about the issues Occupiers are protesting, Republicans ought to be worried. They don't act as if they are, though. And sadly, 56 percent of the respondents to the Time poll said they think the Occupy movement will have "little impact on American politics."

That probably reflects the depth of Americans' disappointment with their government and their distrust of it and of the larger American "system." Americans, Isabel Sawhill wrote in a Brookings article last month, used to believe that they had unlimited opportunity, that hard work would pay off. Now, said Sawhill, "they are coming to believe that the system is rigged against them, the deck stacked in favor of Wall Street and against Main Street."

In fact, the system is rigged against many Americans. And those whose interests are enhanced and protected are doing all they can to make sure that it stays rigged.

For Occupy Wall Street and those of us hoping for its success, it's not that we think life itself must be fair. It's that we don't think government, its laws, and its services should favor those whose money gives them the most influence.

Success for the Occupy movement is dependent on continuing occupation, and the attention that produces, in cities throughout the nation. Some critics argue that the local Occupy movement is irrelevant to Occupy Wall Street, since Wall Street is in New York, not here. But that assumes that Wall Street's actions have an impact only in Manhattan. And so in Rochester, protesters must be permitted to occupy Washington Square Park overnight. The Occupation is a form of speech, and they must be permitted to exercise it.

The mayor doesn't have to side with the protesters. But he can recognize that this is a First Amendment issue, and that the protesters' rights take precedence over park rules. He can meet with the Occupiers, explain his concerns about public safety, and get an agreement on such things as sanitation.

And yes, if Richards permits Occupy Rochester to stay overnight, that would mean that he would have to do the same with other protests - regardless of how unpalatable or controversial the subject. That's what the First Amendment is all about.

If Richards doesn't change his mind, City Council - which has been characteristically silent on the issue - ought to intervene. And if the law won't permit protests like this one, Council can amend that law.

It is important that the Occupy movement continue and grow, here and elsewhere. A year from now, Americans will elect a new president (who, by the way, could very well name one or more new members of the Supreme Court). We will elect a third of the members of the US Senate and all of the members of the House of Representatives. The financial problems of the United States didn't create themselves. They were created by powerful financial interests, and government let them do it. The disparity between the rich and the rest of the country didn't happen by itself;

government let it happen.

The Occupiers are calling attention to those problems in a way that no one else has. They must continue to do that - and more of the 99 percent must join them.

And government must not restrict their right to protest.



"Morrow Family"

11/08/2011 11:05 PM

To <Undisclosed-Recipient.;>

cc

bcc William Line/NCR/NPS

Subject Wash Post: Police to 'adjust tactics' for dealing with Occupy D.C. protesters, chief says

http://www.washingtonpost.com/local/dc-politics/police-to-adjust-tactics-for-dealing-with-occupy-dc-protesters-chief-says/2011/11/07/gIQAUh1JxM_story.html

Washington (DC) Post
Monday, November 7, 2011

Police to 'adjust tactics' for dealing with Occupy D.C. protesters, chief says

By Tim Craig

The one-month-old Occupy D.C. movement has grown "increasingly confrontational and violent," the District's police chief said, citing Friday night incidents in which some demonstrators trapped conservative activists inside the city's convention center and four protesters were hit by a vehicle.

The police department will "adjust tactics as needed to assure safety," Cathy L. Lanier said Monday. She did not detail those adjustments, but they could mark a turning point in the police department's relationship with the group camped at McPherson Square.

Lanier's remarks came as her agency is under scrutiny. On Monday, amid pressure from protesters and their attorneys, police agreed to reexamine the decision not to charge the driver in what appear to be two hit-and-run pedestrian incidents Friday at the Walter E. Washington Convention Center.

Police in other cities have moved to restrict camps and demonstrations affiliated with the Occupy Wall Street movement. District police, however, have had a largely cooperative relationship with the protesters. They have blocked off streets to allow marches without a permit, monitored McPherson Square to help keep it safe and looked the other way when instigators have taunted them.

But that could be changing, as was evident during a tense standoff Monday afternoon between officers and protesters outside police headquarters.

"The Metropolitan Police Department supports an individual's right to assemble," Lanier said. "We do not condone, nor will we tolerate, violence or aggression." She described the group as peaceful last week but distributed videos Monday showing some protesters blocking the doors of the convention center and pounding on windows.

"That is no longer a peaceful protest," she said.

Lanier's statements seemed to reinforce comments she made in mid-October, although they were not specific to the District. "The psychology of crowds is very unique," Lanier said at an event hosted by the Institute for Education. "I think we're at risk for some very large, very violent protests here in the United States. And they can spark off instantly."

Mayor Vincent C. Gray (D), who was arrested in April for blocking traffic in a voting rights demonstration, echoed Lanier's concerns. He called on "all involved in the Occupy D.C. demonstrations to show restraint" so that the

movement is not “discredited by violence.”

Leaders of Occupy D.C., who vow to continue their protest through the winter, insist they have been peaceful.

“My concern is for the safety of everyone,” said James Ploeser, 30, an Occupy D.C. organizer from Takoma Park. “We are a nonviolent, peaceful mass movement that is open, transparent. If the police chief can’t see that, she needs to watch more videos.”

And there are few signs that the National Park Service, which oversees McPherson Square, has had problems that would warrant it moving in on the group’s camp.

“We don’t have any issues with these folks in the areas of D.C. that we patrol,” said David Schlosser, a Park Police spokesman. “If there is something that needs to be addressed by us, we will address it.”

In a sign of the support that the group continues to receive, the Rev. Jesse Jackson Sr. visited the group in McPherson Square on Monday night.

Still, D.C. police have landed in the center of a widening public debate over the handling of Friday’s events at the convention center.

More than 500 protesters descended on the building to protest an Americans for Prosperity dinner honoring Ronald Reagan, blocking nearby intersections and sitting in front of some convention center doors.

At one point, according to witnesses and video, some protesters tried to storm the building. Videos posted on conservative blogs show three older attendees on the ground after they tried to leave the building. Conservative activists said the women were pushed to the ground, but protesters released their own videos Monday that they said prove they did not push anyone to the ground.

Although D.C. police had cordoned off an eight-block radius to give demonstrators unimpeded access to the streets, four protesters were injured after being struck by a vehicle.

Police stopped the suspected driver about two blocks from the scene, but no charges were filed. Instead, police issued jaywalking citations to three demonstrators who were hit. Police agreed to reopen their investigation Monday after protesters held a news conference to offer evidence suggesting that the driver deliberately struck two sets of protesters, about two blocks apart.

“One driver hit this person right here and then went around the corner and hit a family of three at the intersection,” said Adam Green. “We cannot allow it to be precedent that peaceful protesters are mowed over by cars with no proper investigation or arrest by police.”

Occupy D.C. protesters noted that the police report that referenced the driver of the car spoke of only three demonstrators struck at Seventh Street and Mount Vernon Place. The group produced a second police report taken at the same time on L Street for a “hit and run” where Georgia Pearce of Moss Point, Miss., was also struck.

Pearce, who suffered a concussion, said she was trying to cross the street near the crosswalk on Seventh Street to join another group of demonstrators when she saw a “silver four-door sedan” coming at her from “the wrong direction.”

“I was trying to get him to slow down so I could step out of the way,” Pearce said. “Instead he rushes up to me, and I end up putting my hands on the car hood, and he pushes at me and pushes me, and that is all I remember.”

Two witnesses said they saw the same car turn the corner and travel south on Seventh Street, where an Ohio couple and their 13-year-old son were struck while demonstrating in the intersection of Mount Vernon Place.

Infuriated that police did not interview them before announcing that the driver was not being charged, the victims and several dozen Occupy D.C. supporters marched on police headquarters Monday afternoon. When they arrived, a

line of officers guarded the doors and refused to allow the witnesses or victims to enter the building to give statements.

After a 30-minute standoff, police agreed to allow them to enter the building to make statements.

“Hopefully, this will lead to easier actions down the road and justice for everyone,” said Heidi Sippel, who was struck at Seventh Street and Mount Vernon Place.

Staff writers Juliet Eilperin and Allison Klein contributed to this report.

Margie Ortiz/NCR/NPS
11/11/2011 04:24 PM

To Carol B Johnson/NACC/NPS@NPS, Tonya
Thomas/NACC/NPS@NPS
cc William Line/NCR/NPS@NPS
bcc
Subject Fw: 12-32 Light Occupy DC FOIA Fee Waiver Clarification
Request



NCR 2010-07

Remember that heads up I sent you early last week. Well, it has come back. Thanks to Charis she's really narrowed the scope for us. PLEASE contact me first thing on Monday morning to discuss. I want to make sure that this is perfected before we go any further.

Many thanks, Margie

Margie Ortiz
National Capital Region
Public Affairs and FOIA Specialist
Office of Communications
1100 Ohio Drive, SW
Washington, D.C. 20242
202-619-7359 (office)
[REDACTED])

Visit us at:
www.facebook.com/gwnppublicaffairs
<http://www.youtube.com/gwnppublicaffairs1>
<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by Margie Ortiz/NCR/NPS on 11/11/2011 04:22 PM -----



Charis Wilson/DENVER/NPS
11/10/2011 01:47 PM

To Margie Ortiz/NCR/NPS@NPS, Janeen
Tyson/USPP/NPS@NPS
cc William Line/NCR/NPS@NPS
Subject Fw: 12-32 Light Occupy DC FOIA Fee Waiver Clarification
Request

Hi Margie & Janeen,

I have confirmed with Mr. Light a new more narrow search scope. So instead of having to search every USPP and NPS mailbox, he has agreed to our searching the offices that would be the most likely to have responsive records. He has however, indicated some specific groups of people he wants that search to include:

- all of the Park Police members for District 1 (the district which I believe covers McPherson Square)
- all of the Park Police members of the Intelligence/Counter-terrorism unit



David Barna/WASO/NPS

11/16/2011 06:40 AM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey

cc

bcc

Subject newscip: Wall Street Journal - Occupy DC Allowed to Keep
On Occupying D.C. Park

Wall Street Journal
Nov 16, 2011

Occupy DC Allowed to Keep On Occupying D.C. Park

By Ryan Tracy and Jared A. Favole

The Occupy DC encampment two blocks from the White House will remain occupied, at least for now.

Federal authorities said Tuesday they have no plans to remove protesters aligned with the Occupy Wall Street movement. Officials from the National Park Service, the agency in charge of McPherson Square Park where the protesters are camping, met with activists to discuss discussing expectations for health and safety and decided against eviction.

"I believe there's been pretty good compliance," Sgt. David Schlosser of the U.S. Park Police said afterwards.

That stands in stark contrast to New York City, where hundreds of riot-clad city police officers early Tuesday moved to clear Zuccotti Park of protesters and their tents. Similar crackdowns were under way in Oakland, Calif., and Portland, Ore.

Since the federal government administers parks in the nation's capital, the Obama administration has authority over the protests here. White House spokesman Jay Carney didn't address the Washington protests directly Tuesday, but he said that President Barack Obama was aware of raids elsewhere and that the president believes each city should make its own decision about how to handle the protests.

"We would hope and want as these decisions are made that a balance is sought between a long tradition of freedom of assembly and freedom of speech in this country...and also the very important need to maintain law and order and health and safety standards," Mr. Carney said.

Joe Gray, a 23-year-old protester who has been living at the McPherson Square encampment since October, said efforts to shut down the protests wouldn't work.

"The more they poke the bear, the angrier it gets," he said.

Mr. Gray quit a job restoring fire-damaged homes earlier this year and is looking for work. For now, he plans to camp out at the square through the winter. "I'm actually kind of excited for the cold weather," he joked. "It's going to send the fair-weather occupiers home."



"Morrow Family"

11/17/2011 11:15 PM

To <Undisclosed-Recipient:>

cc

bcc William Line/NCR/NPS

Subject Wash Post editorial: Officials should prepare for closing
Occupy D.C. encampments

http://www.washingtonpost.com/opinions/officials-should-prepare-for-closing-occupy-dc-encampments/2011/11/16/gIQA9RoVSN_story.html

Washington Post
Thursday, November 17, 2011

EDITORIAL

Officials should prepare for closing Occupy D.C. encampments

NO MATTER ONE'S views about Occupy Wall Street and its imitative protests across the country, it's hard to quarrel with the principles that propelled New York Mayor Michael R. Bloomberg (I) to clear Lower Manhattan's Zuccotti Park. From the start, Mr. Bloomberg expressed a commitment to the First Amendment rights of protesters, but he also stressed the importance of guaranteeing public health and safety. When those two goals clashed, the mayor was right to take action.

In an early-morning raid Tuesday, New York police swooped down on the park, clearing it of protesters, as well as the tents, generators and other encampment paraphernalia that had occupied it for two months. To be sure, there were incidents, such as the banishment and arrest of reporters trying to cover the event, that should have been avoided. But police largely acted with restraint, and the well-planned operation was without the violence that has accompanied similar actions in other cities. More important, contrary to the claims of critics who likened it to crackdowns in despotic countries, the effort was not undertaken to end the protest or to squelch its message about the concentration of economic and political power. Demonstrators were allowed back in the park but without tents and other gear needed for an indefinite stay.

The problems of Occupy Wall Street have not been restricted to Manhattan. In camps across the country, there have been mounting issues with noise, sanitation, safety and crime. Conditions, as a Post report noted, seemed more akin to a police blotter than a political demonstration, with a sexual assault in Philadelphia, drug overdoses in Portland, Ore., and a shooting in Oakland, Calif.

Fortunately, trouble has been more limited so far in Washington, where Occupy D.C. encampments have been set up in McPherson Square and Freedom Plaza. There has been cooperation between officials and protesters. Not only has the National Park Service gone the extra mile to accommodate protesters by looking away from violations of no-camping rules, but some members of the D.C. Council have endorsed the campers' right to stay. Clearly, the District's experience as host to the nation's protests has equipped it to deal with the current situation.

How long that status quo will last, though, is a matter of some concern. Businesses near McPherson Square say they are being adversely impacted, and earlier this month D.C. Police Chief Cathy L. Lanier warned about the "increasingly confrontational and violent" character of the protesters. The group at Freedom Plaza has a permit that expires Dec. 30, and we have to wonder what will happen then. Any thought that cold weather would drive protesters away seems unrealistic. It's worrisome that, as sources have told us, federal officials, who have sole jurisdiction over the plaza and square, and city officials, who are most impacted by the occupations, aren't really talking about the

next step.

“I think we should continue to monitor the situation, and once circumstances become such that health, sanitation or safety become an issue, we are going to have to ask them to leave as overnight guests,” said D.C. Council member Mary M. Cheh (D-Ward 3). Since turning out the lights isn’t an option, it’s important that officials develop ways to deal with what could be an increasingly thorny situation.



"Morrow Family"

11/17/2011 11:23 PM

To <Undisclosed-Recipient;>

cc

bcc William Line/NCR/NPS

Subject Civil Rights Legal Groups Demand Records on Federal Law Enforcement Involvement in Coordinated Crackdown on Occupy Movement

<http://www.salem-news.com/articles/november172011/occupy-foia-lawsuit.php>

Salem (OR) News
Thursday, November 17, 2011

Civil Rights Legal Groups Demand Records on Federal Law Enforcement Involvement in Coordinated Crackdown on Occupy Movement

PCJF and NLG Mass Defense Committee File Multi-Agency Requests

(WASHINGTON D.C.) - The Partnership for Civil Justice Fund (PCJF) and the National Lawyers Guild Mass Defense Committee filed Freedom of Information Act (FOIA) requests today with the Department of Justice, Department of Homeland Security, the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and the National Park Service (NPS) requesting that the agencies release information that they possess related to the involvement of federal agencies in the planning of a coordinated law enforcement crackdown that has taken places in multiple cities against the Occupy Movement in recent days and weeks.

The FOIA to the various federal law enforcement agencies states: "This request specifically encompasses disclosure of any documents or information pertaining to federal coordination of, or advice or consultation regarding, the police response to the Occupy movement, protests or encampments."

The Occupy Movement has been confronted by a nearly simultaneous effort by local governments and local police agencies to evict and break up encampments in cities and towns throughout the country. It is now known that mayors and other local officials have met together on conference calls in recent weeks and developed a coordinated strategy to dislodge and break up the encampments using common talking points including a public pretextual rationale to justify police action.

Mara Veheyden-Hilliard, Executive Director of the Partnership for Civil Justice and the co-chair of the National Lawyers Guild's National Mass Defense Committee, states: "The severe

crackdown on the occupation movement appears to be part of a national strategy to crush the movement. This multi-jurisdictional coordination shows that the crackdown is supremely political."

"The FOIA requests seek critical information regarding the role of federal law enforcement agencies," Verheyden-Hilliard explained. "The Occupy demonstrations are not criminal activities, and police should not be treating them as such. This protest movement for social and economic justice has captured the imagination of the country. The coordinated effort of law enforcement to suppress it is a reflection of its political challenge to the status-quo."

"We see the scapegoating of these movements, the attacks at night, and in general tactics designed to terrorize and to scare protesters away," stated Heidi Boghosian, Executive Director of the National Lawyers Guild. "This request is critical to the transparency that is required in order for the people of the United States to be informed as to the U.S. government's action in regard to free speech activities."

Read the Freedom of Information Act request here:

<http://www.justiceonline.org/commentary/occupy-crackdown-legal.html>

The Partnership for Civil Justice Fund (PCJF) is a not-for-profit constitutional rights legal and educational organization which, among other things, seeks to ensure constitutional accountability within police practices and government transparency in operations. It is counsel on the Barham and Becker class action cases in which more than 1,000 persons were falsely arrested during protests in Washington, D.C., resulting in settlements totaling \$22 million and major changes in police practices. The PCJF previously brought the successful litigation in New York challenging the 2004 ban on protests in the Great Lawn of Central Park. It is counsel with the National Lawyers Guild in Oakland, CA challenging police mass arrest tactics. It won a unanimous ruling at the D.C. Circuit Court of Appeals finding the MPD's unprecedented military-style police checkpoint program unconstitutional. The PCJF previously uncovered and disclosed that the D.C. police employed an unlawful domestic spying and agent provocateur program in which officers were sent on long-term assignments posing as political activists and infiltrated lawful and peaceful groups. For more information go to: www.JusticeOnline.org.

*The National Lawyers Guild was formed as the nation's first racially integrated voluntary bar association, with a mandate to advocate for fundamental principles of human and civil rights including the protection of rights guaranteed by the United States Constitution. The Guild has championed the First Amendment right to engage in vigorous political speech for 75 years. The Guild has a long history of defending individuals accused by the government of espousing "dangerous" ideas, including in hearings conducted by the House Committee on Un-American Activities and other examples of governmental overreaching now popularly discredited. See e.g. *Kinoy v. District of Columbia*, 400 F.2d 761 (1968). Since then, it has continued to represent thousands of Americans critical of government policies, from civil rights advocates and anti-war activists during the Vietnam era to current anti-globalization, peace, environmental and animal rights activists. Its Mass Defense Committee is a coordinated body of hundreds of lawyers, legal workers and law students who are defending the free speech rights of the Occupy*

actions around the country.



David Barna/WASO/NPS
11/18/2011 02:21 PM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey

cc

bcc

Subject newsclip: The Atlantic - Occupy Wall Street Looks Toward
D.C.

The Atlantic

Nov 18, 2011

Occupy Wall Street Looks Toward D.C.

On Thursday, Occupy Wall Street protesters nationwide marched along with New York's huge crowds, but uprooted from Zuccotti Park, the movement's focus looks to be shifting toward Washington, D.C. Such a move would represent a sea change for the protest, which has so far refused to issue specific demands because members didn't want to play into traditional politics. But little by little, the movement is showing it's willing to engage with Washington lawmakers, and a big march already planned for Washington, D.C. next spring shows the movement is putting ever-more stock in national politics.

Way back in early October, anthropologist and anarchist David Graeber, who helped *Adbusters* conceive of the Occupy movement, told the *Washington Post's* Ezra Klein: "If you make demands, you're saying, in a way, that you're asking the people in power and the existing institutions to do something different. And one reason people have been hesitant to do that is they see these institutions as the problem."

But two months into the movement, Occupy has shown it's more willing to take on specific political issues. A delegation left New York on foot last week, heading for Washington D.C. to demonstrate in front of the Congressional Deficit Reduction Super-Committee, calling on it to repeal Bush-era tax cuts. The spring march calls on protesters to come from all over, establishing a new encampment on the National Mall -- a traditional site for protests from the civil rights movement to the Tea Party. The spring action sounds a lot like the initial occupation of Wall Street, but with a bent towards politics. "We will demonstrate the failure of the Democrats and Republicans in Congress to represent the views of the majority of people," its Facebook page reads. And in contrast to New York, Washington D.C. has so far been lenient about letting the existing Occupy D.C. encampment stay in place in McPherson Square. "The National Park Service certainly recognizes and respects and reveres the First Amendment and especially reveres political free speech," National Parks Service spokesman Bill Line told Washington ABC affiliate WMAL.com. The National Mall is also operated by the Parks Service.

It's too early to call it a change in zeitgeist, but calls for Occupy to take its fight to D.C. do seem to be increasing. The sentiment pops up on Twitter, and the *New York Daily News* talked to an NYU professor who said it was the logical next step.

Mitchell Moss, NYU professor of urban policy and planning, said it's time for the protesters to take their show on the road.

"At this point, I think they should quickly migrate to the Washington Monument," he said. "There's ample space, and close proximity to the decision makers.

"That should be the next stop on their magical mystery tour."

Moss said the protesters were successful in bringing attention to the issue of wealth distribution in the U.S. But he felt additional demonstrations like the one aimed at shutting down Wall Street would work against OWS.

"New Yorkers are a work-oriented people, and there is only a limited amount of patience with people who want to disrupt the city," he said.

Washington Post columnist Harold Meyerson wrote on Wednesday that "systemic failures in law enforcement and public policy" could fuel a serious Occupy political movement. "As the great organizer Bayard Rustin put it, from protest to politics." Filmmaker Alen Gregory made the comparison to the protests against the Vietnam War, which were ultimately successful in Washington. "It's like the difference between when you fall in love, and when you get married. Right now, it's the possibility of something possible," he told the *Village Voice* .

But of course, not all are convinced. "No, OWS shouldn't move to Washington. protests are a dime a dozen here. If OWS had begun in D.C., it wouldn't be in the news today," tweeted Media Matters blogger Oliver Willis. And the protesters themselves have vowed to maintain a presence in Zuccotti Park. But with temperatures dropping in New York and blankets and other comfort items banned in the park, that presence was looking pretty darned meager on Friday.



Carol B Johnson/NACC/NPS
11/22/2011 03:52 PM

To David Schlosser/USPP/NPS@NPS, David
Barna/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS, William

cc

bcc

Subject Re: Conference call Wednesday morning on Occupy DC
issues

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call

[REDACTED]
Code [REDACTED] participant
Code [REDACTED] leader
David

Carter DeWitt
<cdewitt@taxfound
ation.org>

To
"lisa_mendelson-ielmini@nps.gov"
11/22/2011 01:49 PM <lisa_mendelson-ielmini@nps.gov>
cc



"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>
11/22/2011 08:36 PM

To "Barna, David" <David_Barna@nps.gov>, "Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>
cc "Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>, "Schlosser, David" <David_Schlosser@nps.gov>, "Line, William"
bcc
Subject RE: 9:30 okay for call Wednesday morning on Occupy DC issues

Looping Matt. He'll likely hop on as I have a conflict at that time.

From: David Barna [mailto:david_barna@nps.gov]
Sent: Tuesday, November 22, 2011 8:17 PM
To: Mendelson, Lisa
Cc: Carol_B_Johnson@nps.gov; Schlosser, David; Line, William; Lyle, Jody; Olson, Jeffrey; Foster, Maureen; Ripps, Alma; O'Dell, Peggy; Kelly, Kate P
Subject: 9:30 okay for call Wednesday morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:
Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call
[REDACTED]

Code [REDACTED] participant
Code [REDACTED] leader

David

Carter DeWitt
<cdewitt@taxfoundation.org>
To
"lisa_mendelson-ielmini@nps.gov"
11/22/2011 01:49 PM <lisa_mendelson-ielmini@nps.gov>
cc

Subject

Occupy Dc versus other park users -
I count too!

Just spent 50 minutes being transferred from one national park department

to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off – Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you – and who butters your bread with their labor. It isn't Occupy DC – it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them – why are you not hearing us?

Laurie Carter DeWitt

[REDACTED]
Washington, DC 20005

Carter

Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy --
neutrality, simplicity, transparency, and stability



"Morrow Family"

11/28/2011 11:06 PM

To <Undisclosed-Recipient:;>

cc

bcc William Line/NCR/NPS

Subject National Park Service Gives Warning to Freedom Plaza

<http://www.eneuspf.com/latest-news/latest-national/29125-national-park-service-gives-warning-to-freedom-plaza.html>

E-News Park Forest (IL)
Monday, November 28, 2011

National Park Service Gives Warning to Freedom Plaza

Kevin Zeese

Washington, DC—(ENEUSPF)—November 28, 2011. Today, Freedom Plaza responded to a memorandum dated November 23rd to Occupy Washington, DC at Freedom Plaza. The response denies serious accusations of assaults, violence, drug and alcohol abuse, lack of sanitation and other issues.

The memorandum, which was also addressed to McPherson Square, is viewed as a first step to eviction and arrest. It was delivered to every tent at Freedom Plaza, posted on the General Assembly Board and delivered to individuals who were present. This was the first notice received by Freedom Plaza.

"Six weeks ago we were warned by the Park Police that before any enforcement action was taken the police would give us written notice of the illegal activities on the Plaza. Freedom Plaza is treating this notice as a threat of eviction and arrest. This is a serious threat to the Occupy Movement in Washington, DC," said Kevin Zeese, a organizer of Freedom Plaza. "The notice contained numerous false accusations against Freedom Plaza and therefore we are providing a thorough response to their claims."

Below is the full response being sent to the Park Service. Also attached are the notice from the Park Service and the Community Occupant Form used at Freedom Plaza when people join the Occupation of Washington, DC at Freedom Plaza.

"We will be alerting our supporters of this attack and expect that the widespread public support for the Occupation of Washington, DC will dissuade the government from taking any enforcement action against us," said Zeese.

#

Occupy Washington, DC responds to notice from Park Service

We received a memorandum from the Park Service dated November 23, 2011. There were several inaccuracies in the memorandum with regards to Freedom Plaza.

First, we support the efforts of the Park Service to protect Freedom Plaza. We have consistently taken great care to protect the Plaza, keep it clean and sanitary. No harm has been done to the Plaza by Occupy Washington, DC. We know the importance of public space and treat it as our commonwealth.

Second, we appreciate the National Park Service tradition of allowing the exercise of First Amendment rights. As we have said throughout this occupation we are acting in the great tradition of citizenship. As the preamble to the Constitution states: "We the People of the United States, in Order to form a more perfect Union . . ." We are acting in this great tradition, confronting issues that have been ignored by elected officials in order to create a better country for us and future generations.

Third, our actions are protected by the First Amendment. You recognize that we are exercising our First Amendment rights to Freedom of Speech and our Right to Assemble to Redress Grievances. The language of the Amendment could not be clearer: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." We are acting with the protection of the Constitution. We have been flexible to work with other permit holders, but the Constitution is the supreme law of the land and trumps all others.

Fourth, regarding trash, Freedom Plaza is very careful to bring trash to the sidewalk as requested by the sanitation workers. Further, if there is trash that falls onto the sidewalk we clean it up in order to keep the sidewalks clean. We have not seen three trash pick-ups a day, as stated in your memorandum. While there were rats at Freedom Plaza before we arrived, we have only rarely seen any rodent's on the Plaza during our time there. We keep the Plaza, especially the kitchen area, clean and act with intention to minimize any rodent problems.

Fifth, regarding alcohol and drug use, Freedom Plaza forbids the use of alcohol and drugs on Freedom Plaza. Everyone who is part of Occupy Washington, DC signs the "Community Occupancy Form" that makes this clear where they agree to abide by these rules. See attached intake occupancy form. Our peacekeepers monitor activities on Freedom Plaza. Anytime we have had problems with alcohol being used on the Plaza we have called the Park Police if we were not able to handle it ourselves. There have been no incidents of illegal drug use. With regard to assaults, we have monitored these issues ourselves and if we are unable to handle the situation we call the police.

The Occupation of Freedom Plaza, and occupies all over the country, are a dynamic political statement. Indeed it is hard to remember any movement that has occupied so much space in the political dialogue so quickly as the Occupy Movement has done. If any movement lives up to the Preamble of the Constitution and the First Amendment it is the Occupy Movement. As we explained to the Park Service when we applied for our permit (see below), all over the United States Americans are living in tent cities, much like what we show at Freedom Plaza. The tents,

sleeping bags, kitchen and other parts of our tents city has been erected virtually since the beginning of the occupation. The tent city that is the occupation of Freedom Plaza is a stark political statement of the economic reality many Americans are facing today.

Occupy Washington, DC at Freedom Plaza

To: Park Service Ranger Marisa Richardson
From: Margaret Flowers
Date: September 24, 2011

Dear Marisa,

We are writing to let the National Park Service know that we will be erecting a shanty town in the Arts area on Freedom Plaza in Washington, DC in lieu of holding a class or committee meeting there. This is central to our Freedom of Speech and Assembly action in that the United States has seen record foreclosures and bankruptcies, as well as extreme levels of unemployment which are under-reported in official statistics.

The financial stress of Americans shows itself in many ways (e.g., indebtedness, poverty, home sharing), homelessness is one extreme but it is so widespread that a recent study conducted by the U.S. Conference of Mayors found that 12 of the 23 cities surveyed had to turn people in need of shelter away due to a lack of capacity. The U.S. does a very poor job of counting the homeless, the National Law Center on Homelessness and Poverty reports that approximately 3.5 million people, 1.35 million of them children, are likely to experience homelessness in a given year. More and more Americans are forced to live in tent cities, their cars or the equivalent of shanty towns, but this is hidden from public view.

Tent Cities Spring Up in Los Angeles, <http://www.youtube.com/watch?v=CnnOOo6tRs8>

Obamaville, Tent City in Colorado,
<http://www.youtube.com/watch?v=aMeEi2aCfrc&feature=related>

Tent Cities on the Rise in US,
<http://www.youtube.com/watch?v=tD5eWwqyYi0&feature=related>

For Sale, Welcome to U.S. Tent Cities (New Jersey),
<http://www.youtube.com/watch?v=VxDnlvblR0Q&feature=related>

Dozens of Tent Cities Crop Up in the U.S.,
<http://www.youtube.com/watch?v=loNB3Px2NQk&feature=related>

Tent City USA, Southern California,
<http://www.youtube.com/watch?v=LnVTqJjV5Uc&feature=related>

Tent Cities, Homeless Villages on the Rise (Seattle)

<http://www.youtube.com/watch?v=LnVTqJjV5Uc&feature=related>

Tent City Las Vegas, <http://www.youtube.com/watch?v=JQe-zrk29pE&feature=related>

Living in Underground Tunnels in Las Vegas,
<http://www.youtube.com/watch?v=pDwHy8limtU&feature=related>

Living in the tunnels of New York City,
<http://www.youtube.com/watch?v=2BYoPUOXhVA&feature=related>

I could fill pages of videos of tent cities and other shanty town living conditions in the United States. These videos demonstrate why we will be creating a shanty town at Freedom Plaza. Corporate-government policies that lead to an extreme wealth divide are discussed statistically to some degree in the media but the visceral reality of it is not seen widely. Economic injustice and the solutions to it are a major focus of our event.

When we erect the shanty town we will take great care not to do any harm to Freedom Plaza. We recognize this is a public space and we will respect that. The Freedom Plaza installation shanty town will demonstrate the dire economic and political realities in America today. It will be a low-impact installation intended to be reminiscent of "Shanty Towns" of times past that are now re-appearing across the country. It will be a simple, easily removable construction that will consist of lean-to structures made of plastic tarpaulin (classic blue tarps), suspended with bamboo poles tied down with lines attached to sandbags to project the Freedom Plaza surface. These will be augmented with cardboard appliance boxes.

Thank you for ensuring our Free Speech and Assembly rights to petition the government for redress of grievances.

Source: www.occupyWashingtonDC.org



David Barna/WASO/NPS

11/29/2011 06:59 AM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey

cc

bcc

Subject newsclip: Huffington Post - Occupy DC Protests On Brink Of
Eviction? New Park Service Memo Raises Concern

Huffington Post

Occupy DC Protests On Brink Of Eviction? New Park Service Memo Raises Concern

Nov 28, 2011

WASHINGTON -- Are Occupy protesters in the nation's capital on the brink of eviction? Some say a notice from the National Park Service, which has jurisdiction over encampments in McPherson Square and Freedom Plaza, suggests yes. But the agency says no.

On Nov. 23, the National Park Service sent the District of Columbia's dual downtown Occupy camps a memo stating that U.S. Park Police officers will be increasing patrol activities in the two federal parks "due to increasing problems of public urination and defecation, illegal drug and alcohol use, and assaults."

The memo goes on to remind protesters that camping is prohibited in both parks and that "National Park Service rangers and United States Park Police officers will continue to monitor the activities within the park, to ensure compliance with health and safety issues and to answer questions. Your cooperation is appreciated."

So is the Park Service threatening the protesters with eviction? Members of the Freedom Plaza protest think so, according to an unsigned response issued on Monday. The memo "is viewed as a first step to eviction and arrest," write Freedom Plaza demonstrators in their group's response. The response also denies "serious accusations of assaults, violence, drug and alcohol abuse, lack of sanitation and other issues."

National Park Service spokeswoman Carol Johnson told The Huffington Post that she does not have specific data about the sanitary or drug and alcohol problems, but that she has heard anecdotal reports that these problems are more serious in McPherson Square than they are in Freedom Plaza.

Jeffrey Light, a lawyer advising the McPherson Square protesters, told HuffPost that there does not appear to be any organized response to the memo so far, but that the issue may come up during a meeting on Wednesday.

Johnson said she is not aware of any assaults in either encampment, other than the alleged sexual assault last week that resulted in a protester being removed from McPherson Square.

Johnson also told HuffPost that the notice does not suggest the Park Service is on the brink of

evicting either group of protesters from the sites they have occupied since the beginning of October.

"I'm not sure I would read anything into it except exactly what it says," Johnson said. "We are trying to communicate with people at Freedom and at McPherson so that they can exercise their First Amendment rights within the guidelines that we have. We just want to let them know what we're seeing so they can help remedy it."

The boundaries of those rights may yet be tested another day.

Johnson previously told HuffPost that the National Park Service is using its ample discretion in allowing protesters to occupy McPherson Square and Freedom Plaza with tents and other structures that at least appear to be prohibited under applicable law. The protesters maintain that the agency's beneficence isn't necessary and argue that their Occupy activities, including camping in the parks, are all protected by the First Amendment.



"Morrow Family"

11/29/2011 08:18 PM

To <Undisclosed-Recipient;>

cc

bcc William Line/NCR/NPS

Subject DC Examiner: Park Service warns Occupy DC about rats, drugs

<http://washingtonexaminer.com/local/dc/2011/11/park-service-warns-occupy-dc-about-rats-drugs/1955576>

Washington (DC) Examiner
Tuesday, November 29, 2011

Park Service warns Occupy DC about rats, drugs

By: Aubrey Whelan

The National Park Service posted warnings at two Occupy DC campsites claiming that the protesters are attracting rats, urinating in public and using illegal drugs, sparking new speculation that authorities may be considering evicting the demonstrators.

The National Park Service insists there are no plans to force the protesters from McPherson Square or Freedom Plaza. The service posted warning letters at both sites warning protesters that camping, defined as sleeping and cooking in the park, is illegal.

Related story

- [Occupy DC expects to be raided, tells campers to remove drugs](#)

The warnings also noted that there are "increasing problems of public urination and defecation, illegal drug and alcohol use, and assaults." Rats also are a problem even though the Park Service removes trash from both sites three times a day, the warning states. Park Service officials gave conflicting accounts of whether complaints from McPherson Square business prompted the warnings.

Occupiers at McPherson Square say they're not concerned about a potential eviction, but activists at Freedom Plaza, who deny the Park Service's accusations, said they consider the warnings "a first step to eviction and arrest." If it is, it would be the first evidence of a potential police crackdown on the D.C. occupiers, who have enjoyed broad support from city officials and the Park Service even as similar demonstrations in other cities have been hit with pepper spray and arrested in confrontations with police.

Protesters in Los Angeles and Philadelphia are the latest to face eviction warnings, though Occupy LA has defied the city's deadline to vacate and was still camped out near city hall Monday.

"We're trying to draw on our community support - faith groups, business groups - and have them

contact appropriate officials to try to stop it," said Kevin Zeese, an organizer at Freedom Plaza.

Protesters met with Park Service officials Monday to discuss the warnings, Zeese said.

Jarrad Davis, a protester at McPherson Square, said the Park Service inspected the camp last week, but he described the inspection as routine.

Occupy DC has enjoyed relative peace compared to protests elsewhere in the country, making it a model for the Occupy movement, protesters said. The local demonstrations are highly organized, relatively clean and on good terms with police. Protesters from around the country - from Atlanta to New York to Raleigh, N.C. - have made pilgrimages to the camp in Freedom Plaza to learn how to stage an Occupy protest, protester Joseph Bratcher said.

"We try to learn from the other Occupys that have been shut down," he said. "Everyone comments on how organized and well kept we are."

awhelan@washingtonexaminer.com



Carol B Johnson/NACC/NPS
11/30/2011 01:24 PM

To William Line/NCR/NPS@NPS
cc
bcc
Subject Re: Can you return reporter's call? (Re: Nov. 23
flyer/circulator distributed in McPherson Sq & Freedom
Plaza) 

Will do
William Line

----- Original Message -----

From: William Line
Sent: 11/30/2011 12:36 PM EST
To: Carol Johnson
Subject: Can you return reporter's call? (Re: Nov. 23
flyer/circulator distributed in McPherson Sq & Freedom Plaza)
Carol:

Just left a voicemail message on your cell phone to the same effect, but could you please return a call to JEFF MORLEY of Salon.com who has questions about the flyer/circulator piece that was distributed in both McPherson & Freedom last week. Morley's phone number: (202) 413-7841.

Many thanks!

Bill Line
Communications, FOIA & Tourism Officer
National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, D.C. 20242
Main office: (202) 619-7222; direct dial: (202) 619-7177; cell:  Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>
<http://www.flickr.com/photos/gwnppublicaffairs>



"Pugh, Tony"
<tpugh@mcclatchydc.com>
12/02/2011 03:02 PM

To: william_line@nps.gov
cc
bcc
Subject

Bill, here's the flier. Lemme know if anything is different from what we discussed.

Tony Pugh
McClatchy Newspapers
202-38-6013

----- Forwarded message -----

From: **Robert Borosage, Campaign for America's Future** <manager@ourfuture.org>
Date: Fri, Dec 2, 2011 at 12:50 PM
Subject: Dec. 5-9. Take Back The Capitol and Demand Jobs.
To: tpugh@mcclatchydc.com

Dear Tony,

Next week, the unemployed and underemployed are coming to Washington, backed by a powerful coalition of community, labor, Occupy, and other groups around the country to "Take Back the Capitol" and demand action on jobs.

And **we need you to stand with us.**

The four-day people's action in Washington, DC to "Take Back the Capitol" will make sure the voices of the 99% are heard during the last session of Congress in 2011.

Young. Old. Blue collar. White collar. Pink collar. Those who have been thrown out of work or forced to give up a living wage will be in the halls of Congress and occupying the corridors of K Street lobbyists, refusing to be ignored.

To take part, go to www.99indc.org. Below are more details from the protest organizers. See you there!

Sincerely,

Robert L. Borosage,
Co-director
Campaign for America's Future

TAKE BACK THE CAPITOL

WHEN:	Most folks will arrive in DC on December 5 and head home on December 9, 2011.
WHERE :	The People's Camp on the mall (near 14th St. and Constitution Ave., NW) will serve as our home base where we pitch our tents and enjoy teach-ins, seminars, music, and other entertainment.
WHAT:	Thousands will converge on the nation's capital to show Congress what democracy looks like, shine a light on corporate greed and the human

suffering it has caused, and demand justice for the 99%. For four days we'll hold spirited but peaceful actions, speak-outs, and protests—from the halls of the Capitol to the offices on K Street—as well as spend time together learning and sharing stories, ideas, and inspiration.

A few highlights:

Monday, December 5 – Set up the People's Camp. After checking in, pitching tents, and creating signs and banners, an orientation and entertainment will be hosted by OurDC, a local organization of unemployed and underemployed 99%-ers.

Tuesday, December 6 – Take Back the People's House. From the People's Camp, we'll form groups and fan out to congressional offices, remind members of Congress that the Capitol is the People's House, and demand that they represent the 99%.

Wednesday, December 7 – "Make Wall Street Pay." We'll swarm K Street, the lobbying center for the world's most powerful corporations, and track down those responsible for crashing the economy and causing millions of 99%ers to lose their jobs and homes—while failing to pay their fair share of taxes.

Thursday, December 8 – Demand Justice for the 99%. The day's events will include multiple speak-outs throughout the Capitol, a national prayer vigil with unemployed folks and faith leaders, a mass march on key congressional leaders, and a lively jubilee action.

Friday, December 9 – Take It Home. We'll pack it up and head home, where we need to keep the pressure on our representatives in Congress to do right by the 99%.

If you do not want to receive future updates about events from Campaign for America's Future, please click here to unsubscribe from our events list .

If you received this message from a friend, you can [sign up for updates from the Campaign for America's Future](#).

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--

Tony Pugh
National Correspondent
McClatchy Newspapers
202-383-6013
www.mcclatchydc.com

Margie Ortiz/NCR/NPS

12/02/2011 05:00 PM

To Carol B Johnson/NACC/NPS@NPS

cc

bcc William Line/NCR/NPS

Subject Fw: URGENT: 12-49 Light Occupy DC FOIA status needed



Carol -- We need you to please provide us with an estimated completion date by Monday. See the email below from the WASO FOIA Officer relative to this request.

Thanks, Margie

Margie Ortiz
National Capital Region
Public Affairs and FOIA Specialist
Office of Communications
1100 Ohio Drive, SW
Washington, D.C. 20242
202-619-7359 (office)
[REDACTED]

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----- Forwarded by Margie Ortiz/NCR/NPS on 12/02/2011 04:58 PM -----



Charis Wilson/DENVER/NPS

11/30/2011 02:58 PM

Please respond by 11/30/2011

To Janeen Tyson/USPP/NPS@NPS, Margie

Ortiz/NCR/NPS@NPS, William Line/NCR/NPS@NPS

cc Maureen Foster/WASO/NPS@NPS

Subject URGENT: 12-49 Light Occupy DC FOIA status needed

Hi Janeen, Margie & Bill,

Just a follow-up to my note I sent you earlier this week asking for an update to this request. As I mentioned I have had a similar request come in so I need a status so I can let this additional requester know when the materials will be ready for Mr. Light's request, [REDACTED] requester to let us provide her copies of the same material we [REDACTED]
[REDACTED]

I really need to get back to this requester so I need a status update as soon as possible. However, on top of that I got a call from Mr. Light today asking for an update on his request. He sounded friendly enough but there was a bit of a stern tone to his voice, so I would really, really like to be able to provide him with a status update by the end of today. So please get back to me when you get this message with an update.

As he submitted his clarification to us on November 8, his twenty days are up on December 8 which is next Thursday.

Thanks very much,

C.

Ms. Charis Wilson, MLS, CRM
NPS FOIA Officer
12795 W. Alameda Parkway
PO Box 25287
Denver, CO 80225-0287
303-969-2959
Fax: 303-969-2557
1-855-NPS-FOIA

"What we find changes who we become." - Peter Morville

"The historian works with records...there is no substitute for records: no records, no history." -
Paraphrasing Langlois & Seignobos (1903)

"Let us be guardians, not gardeners" - Adolph Murie

Osborne Reaves/USPP/NPS

12/04/2011 03:41 PM

To

cc

bcc William Line/NCR/NPS

Subject Fw: McPherson Park Update

NPS has responded to set up bike racks in place of the police tape.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 02:25 PM EST

Subject: Fw: McPherson Park Update

A DC Fire inspector has arrived on scene and is waiting to inspect the structure. Currently, incident command is being established on 15th street and I street. The streets surrounding the park are closed. Currently, there are 5 people on the top of the structure. All D-1 Commanders are on scene.

So far, 9 arrests have been made. The last six were for crossing a police line.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 01:31 PM EST

To: USPP_Notifications@nps.gov

Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 01:22 PM EST

Subject: Fw: McPherson Park

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 12:37 PM EST

Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 11:50 AM EST

Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue. The protesters were advised that the structure needed to be

broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.



"Morrow Family"

12/04/2011 08:15 PM

To <Undisclosed-Recipient:>

cc

bcc William Line/NCR/NPS

Subject Wash Post blog: Occupy DC demonstrators arrested by U.S. Park Police

http://www.washingtonpost.com/blogs/post_now/post/occupy-washington-demonstrators-arrested-by-us-park-police/2011/12/04/gIQA3RSiSO_blog.html

Washington Post
Breaking News blog
Sunday, December 4, 2011 6:10 P.M.

Occupy DC demonstrators arrested by U.S. Park Police

By Pamela Constable, Tim Craig and Fredrick Kunkle

U.S. Park Police arrested members of the Occupy D.C. demonstration on Sunday as police and protesters clashed over a wood building the group began constructing at McPherson Square.

Police gave demonstrators a one-hour deadline to start dismantling the two-story plywood structure Sunday morning and then began moving in when that deadline passed. Police on horseback cordoned off the area, and officers removed protesters one-by-one before putting them in handcuffs and taking them into custody.

About a dozen demonstrators had been arrested as of 3 p.m., and there were more than 20 demonstrators sitting inside and stop the building, apparently unwilling to move.

It was a rare confrontation between police and the Washington demonstrators, who had up until now avoided the clashes that Occupy protests in other parts of the country have experienced, such as in Boston, New York and California.

The arrests Sunday were peaceful and orderly, but some demonstrators clung to the wooden framework of the structure and refused to move, including at least five who climbed onto the roof and perched on roof beams. Others sat inside the unfinished building and waited for police to enter and take them out. Some were handcuffed and put on the ground and later taken to waiting police vehicles.

Police appeared to be focused on the building itself and were not trying to remove the small tent city that has occupied the square for weeks. Numerous police cars — including a SWAT vehicle -- and emergency trucks surrounded the park, and authorities closed off 15th Street between I and K streets for much of the afternoon.

At 3:30 p.m., police began erecting metal barriers around the makeshift structure and assembled in a line along 15th Street and around the corner onto I Street. As some protesters rushed the gates, some officers pulled out pepper spray but did not use it. Protesters on top of the structure donned masks.

Shortly before 5 p.m., a building inspector who works for the National Park Service evaluated the structure and

deemed it “dangerous,” said Anne Wilcox, a lawyer representing Occupy D.C. Police gave the occupiers three warnings to get out of the building before making arrests.

Following negotiations and warnings from a megaphone, police again moved into the structure at about 6 p.m., arresting at least eight people who had been sitting inside its base. Six people remained on the open roof, and police were working to remove them.

Occupy D.C. demonstrators believed police were just going to arrest those on the building, not those in the rest of the encampment.

“They are treating this as individual acts of disobedience,” Wilcox said.

The building, on the grassy southwest side of the square near the Metro entrance, sparked the issue early Sunday. Police surrounded it shortly after 10 a.m. and gave protesters an ultimatum: Take it down, or we will.

After discussing a way forward for an hour — demonstrators debated whether it was worth making a stand for the structure after lengthy good relations with police — roughly a dozen demonstrators remained inside at the deadline. Police told demonstrators they would need a permit to erect such a building.

Angelica Gatewood, 20, a student from the Pittsburgh School of Massage Therapy who joined the protest two days ago, said she did not feel as if demonstrators were intentionally trying to step up confrontations with police, as has occurred at other Occupy protests.

“I think they are trying to toe the line,” Gatewood said. “But I think a big part of the movement is challenging the status quo. It’s not going to be quiet.”

As police moved in, some chanted: “Leave us alone. These are the people who oppress us.”

Michael Patterson, 21, of Anchorage, said the structure was meant to symbolize the need to house the homeless. It had been covered with a blue tarp until shortly before the arrests.

“It is counterrevolutionary to occupy space with a permit,” Patterson told the crowd. “Why don’t the cops care about sheltering the homeless in the streets?”

Other demonstrators said the building was designed to provide demonstrators a place to go when it gets cold, and they were planning to build an “eco-friendly” heating device to make the structure sustainable.

Some protesters defended their decision to build the structure, calling it “temporary.”

“They said we were allowed to make structures as long as they were moved around every four days,” said Jennifer Ruse, 28, as she sat near the base of the statue of General McPherson. “This can be moved because we only put it up last night.”

Group chants escalated through the early afternoon, and there was an increasing amount of scuffling, shouting and shoving. Police used three horses and officers in riot helmets to create a barrier, and additional scuffles broke out as demonstrators tried to enter the structure. Some protesters were tackled and subdued.

Patterson later approached police and shouted in their faces, urging them to arrest him. And they did, dragging him away from the square as he shouted: “I didn’t serve in Iraq to have this happen to me.”

Despite the commotion, a group of Quakers had its weekly meeting in the south end of the park.

“I think it shouldn’t be happening,” said Frank Taylor, 62, of Arlington, who said the police response was not necessary. “The protesters are peaceful. They are not doing anything. This is an overreaction.”

But some tourists and D.C. residents drawn to the scene believed the protesters might be going too far.

“This is nuts. Instead of spending 50 days in the park, they could have been looking for jobs,” said Spence Levitas, 69, of Baltimore. “If they are not happy, move to Pakistan or Tahrir Square.”

Staff writers Michael Bolden and Allison Klein contributed to this report.



David Barna/WASO/NPS
12/05/2011 06:47 AM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey

cc

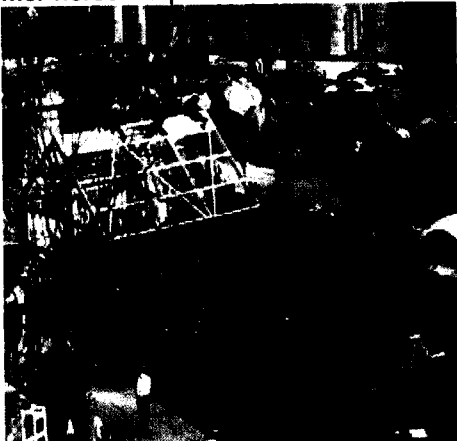
bcc

Subject newscip: Washington Post - blog - Occupy DC
demonstrators arrested by U.S. Park Police

Washington Post
blog
December 5, 2011

Occupy DC demonstrators arrested by U.S. Park Police

U.S. Park Police arrested members of the Occupy D.C. demonstration on Sunday as police and protesters clashed over McPherson Square.



Officers surround the wooden structure with police tape. (Michael Bolden/The Washington Post)

Police gave demonstrators a one-hour deadline to start dismantling the two-story plywood structure Sunday morning and passed. Police on horseback cordoned off the area, and officers removed protesters one-by-one before putting them in trucks. About a dozen demonstrators had been arrested as of 3 p.m., and there were more than 20 demonstrators sitting inside the structure.

WATCH: OCCUPY D.C. STRUCTURE

It was a rare confrontation between police and the Washington demonstrators, who had up until now avoided the clashes that other Occupy camps have experienced, such as in Boston, New York and California.

The arrests Sunday were peaceful and orderly, but some demonstrators clung to the wooden framework of the structure and climbed onto the roof and perched on roof beams. Others sat inside the unfinished building and waited for police to enter. Police put on the ground and later taken to waiting police vehicles.

Police appeared to be focused on the building itself and were not trying to remove the small tent city that has occupied the park, including a SWAT vehicle -- and emergency trucks surrounded the park, and authorities closed off 15th Street between I and M Streets. At 3:30 p.m., police began erecting metal barriers around the makeshift structure and assembled in a line along 15th Street. Protesters rushed the gates, some officers pulled out pepper spray but did not use it. Protesters on top of the structure did not move. Shortly before 5 p.m., a building inspector who works for the National Park Service evaluated the structure and deemed it unsafe. Representing Occupy D.C. Police gave the occupiers three warnings to get out of the building before making arrests. Following negotiations and warnings from a megaphone, police again moved into the structure at about 6 p.m., arresting those at its base. Six people remained on the open roof, and police were working to remove them.

Occupy D.C. demonstrators believed police were just going to arrest those on the building, not those in the rest of the encampment. "They are treating this as individual acts of disobedience," Wilcox said.

The building, on the grassy southwest side of the square near the Metro entrance, sparked the issue early Sunday. Police protesters an ultimatum: Take it down, or we will.

After discussing a way forward for an hour — demonstrators debated whether it was worth making a stand for the structure — roughly a dozen demonstrators remained inside at the deadline. Police told demonstrators they would need a permit to enter. Angelica Gatewood, 20, a student from the Pittsburgh School of Massage Therapy who joined the protest two days ago, intentionally trying to step up confrontations with police, as has occurred at other Occupy protests.

"I think they are trying to toe the line," Gatewood said. "But I think a big part of the movement is challenging the status quo. As police moved in, some chanted: "Leave us alone. These are the people who oppress us."

Michael Patterson, 21, of Anchorage, said the structure was meant to symbolize the need to house the homeless. It had the arrests.

"It is counterrevolutionary to occupy space with a permit," Patterson told the crowd. "Why don't the cops care about shelter? Other demonstrators said the building was designed to provide demonstrators a place to go when it gets cold, and they used it as a device to make the structure sustainable.

Some protesters defended their decision to build the structure, calling it "temporary."

"They said we were allowed to make structures as long as they were moved around every four days," said Jennifer Rusek, a General McPherson. "This can be moved because we only put it up last night."

Group chants escalated through the early afternoon, and there was an increasing amount of scuffling, shouting and shoving. Demonstrators used helmets to create a barrier, and additional scuffles broke out as demonstrators tried to enter the structure. Some protesters later approached police and shouted in their faces, urging them to arrest him. And they did, dragging him away from the structure. "Iraq to have this happen to me."

Despite the commotion, a group of Quakers had its weekly meeting in the south end of the park.

"I think it shouldn't be happening," said Frank Taylor, 62, of Arlington, who said the police response was not necessary. "Nothing. This is an overreaction."

But some tourists and D.C. residents drawn to the scene believed the protesters might be going too far.

"This is nuts. Instead of spending 50 days in the park, they could have been looking for jobs," said Spence Levitas, 69, of Pakistan or Tahrir Square."



Jon Jarvis/WASO/NPS
12/09/2011 02:20 PM

To David Barna/WASO/NPS
cc adam_fetcher@ios.doi.gov, david_barna@nps.gov,
Matt_Lee-Ashley@ios.doi.gov, Maureen
Foster/WASO/NPS@NPS, Peggy_O'Dell@nps.gov,
bcc
Subject Re: heads-up: Washington Post call on Occupy DC

This is a good opportunity to distinguish the work of NPS/USPP in Washington as the center of First Amendment experiences. The focus by USPP on "quality of life" ensures the safety of the occupiers and visitors while respecting their rights to protest.

Jonathan B. Jarvis, Director
National Park Service
"Working with extraordinary people
to make America's best idea even better!"
David Barna/WASO/NPS



David Barna/WASO/NPS
12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov
Subject heads-up: Washington Post call on Occupy DC

Washington Post reporter Robert McCarthy has contacted US Park Police spokesman David Schlosser with some questions: are we ramping up? Are we taking a more aggressive posture? Has our relationship with the protestors changed since the 2 story building was taken down? What's the difference between McPherson Square and Freedom Plaza.

David is working with Chief Chambers on a response. [REDACTED]

[REDACTED]

He plans to run a story on Sunday about Occupy DC, the USPP portion will be a small sidebar.

David



"Morrow Family"

12/09/2011 07:42 PM

To <Undisclosed-Recipient;>

cc

bcc William Line/NCR/NPS

Subject Wash Post blog: D.C. 'being abused by the Occupiers,'
Board of Trade CEO says

http://www.washingtonpost.com/blogs/post_now/post/city-being-abused-by-the-occupiers-dc-board-of-trade-ceo-says/2011/12/09/gIQAyF7hiO_blog.html

Washington Post
Post Now blog
Friday, December 9, 2011 5:10 PM

D.C. 'being abused by the Occupiers,' Board of Trade CEO says

By Annie Gowen

The head of the Greater Washington Board of Trade said Friday that the business community in Washington has lost patience with the Occupy D.C. protesters, because their encampments on McPherson Square and at Freedom Plaza are hurting tourism and local businesses and could become a magnet for crime.

"We are well past the patience point with Occupy D.C.," Jim Dinegar, president and CEO of the Greater Washington Board of Trade, said Friday. He was interviewed for the Kojo Nnamdi show on WAMU-FM. "The District is being abused by the Occupiers."

Dinegar faulted the National Park Service and U.S. Park Police for not taking a harder line with the protesters, who have been camped out in McPherson Square since Oct. 1 without a permit. The Freedom Plaza group does have a permit for its encampment.

"McPherson Square will be a toxic waste dump for the next couple of years," Dinegar predicted, adding that businesses such as Georgia Brown's restaurant and the nearby Starbucks have been impacted by the ongoing protest.

Dinegar criticized the "roving bands of Occupiers" whose actions have caused major traffic delays around the District in recent days. More than 70 were arrested in protests along K Street on Wednesday during a day of action targeting the lobbying industry that snarled traffic and delayed bus service for hours, angering many commuters.

"You've made your point. ... We wish you well wherever you go after you leave Washington," Dinegar said.



"Morrow Family"

12/10/2011 07:55 PM

To "Dave Barna" <david_barna@nps.gov>

cc

bcc William Line/NCR/NPS

Subject Wash Post blog: The Establishment escalates its anti-Occupy D.C. rhetoric

http://www.washingtonpost.com/blogs/mike-debonis/post/the-establishment-escalates-its-anti-occupy-rhetoric/2011/12/09/gIOA84GviO_blog.html

Washington Post
District of DeBonis blog
Saturday, December 10, 2011

The Establishment escalates its anti-Occupy D.C. rhetoric

By Mike DeBonis

There are signs today that The Man's posture of salutary neglect toward Occupy D.C. might be coming to an end.

First you have Mayor **Vincent C. Gray** (D) telling WRC-TV's **Tom Sherwood** that the public is starting "to lose patience" with the protests, which are now approaching their third month.

And then you have **Jim Dinegar**, CEO of the Greater Washington Board of Trade, appearing today on WAMU-FM's Kojo Nnamdi Show, offering some of the most aggressive comments to date on the ongoing protests.

- "Businesses are well past the patience point with Occupy D.C. ... The District is being abused by the Occupiers."
- "McPherson Square will be a toxic waste dump for the next couple of years to clean that park up."
- "People are reluctant to go downtown. ... This is tourist season and you want to attract people to the downtown area, not repel them."
- "When you're looking to attract that next 15 or 20,000-person convention ... these aren't the images you want to see on TV."
- "Unless someone begins to push back, this will continue to escalate. ... 'Well, you got kicked out of Philly, come on down here. You got kicked out of New York, come on down here.' No, don't come down here!"

That is quite a departure from what have been the standard talking points to date, which have expressed “mutual respect” between businesses, residents and protesters and the need to balance First Amendment rights with the city’s desire to conduct business as usual. Question is, where is this new sentiment coming from?

Notably, a group representing the businesses and property owners most directly affected by the protests at McPherson Square and Freedom Plaza isn’t yet joining Dinegar’s calls to oust the protesters ASAP.

”We certainly want to respect the Occupiers and their rights,” said **Karyn Le Blanc**, spokeswoman for the Downtown Business Improvement District. “This is unprecedented and uncharted territory. We are watching and monitoring what’s going on, and we’ll continue to do that until somebody makes a determination that they will be allowed to stay for an indefinite amount of time or whether they will be asked to leave.”

Note that Dinegar in his comments did not criticize Gray and District government for their handling of the protests. His ire is directed squarely at the federal government: “More of this rests with the Department of Interior and the Park Service in giving the permits and extending it,” Dinegar said. “There is no city in the country except for the Washington, D.C., area that has accommodated these protesters to this extent.”

In other words, what you’re witnessing here is the first throbs of what could become a major headache for the White House in the coming weeks.



David Barna
<david_barna@nps.gov>
12/13/2011 07:53 PM

To "Deputies, Associates" <Alexa_Viets@nps.gov>, Alma Ripps
<Alma_Ripps@nps.gov>, Bert Frost <Bert_Frost@nps.gov>,
Brian Joyner <brian_joyner@nps.gov>, Bruce Sheaffer
cc

bcc

Subject News clip: Fox News - Issa: \$400G in Stimulus Funds
Stomped On at Occupy D.C. Park

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Close

Issa: \$400G in Stimulus Funds Stomped On at Occupy D.C. Park

Published December 13, 2011 | FoxNews.com

ADVERTISEMENT

Rep. Darrell Issa, the chairman of the House oversight committee, is asking the Obama administration to explain how it could allow Occupy protesters to destroy \$400,000 worth of landscaping and refurbishment by setting up camp in a D.C. park.

Issa wrote to Interior Secretary Ken Salazar on Tuesday requesting he reply to an eight-page letter detailing the decisions of the National Park Service to withhold evictions of protesters who had clearly set up a tent city despite NPS' rules barring camping at the park. Issa said NPS' laxity toward enforcing its own rules has resulted in protesters killing "newly planted grass that had been funded by the stimulus" and "wasting much of the hundreds of thousands of dollars in taxpayer money used to rehabilitate McPherson Square."

"While the merits of this stimulus funding are debatable, we can all agree that once the federal government invested the funds, no government agency should have allowed it to be damaged or destroyed when it legally could have been prevented," Issa wrote.

"The National Park Service and U.S. Park Police are firmly committed to upholding Americans' First Amendment rights while also enforcing our nation's laws, guarding public safety, and protecting the resources with which we are entrusted," Adam Fetcher, a spokesman of the Interior Department said in a statement to Fox News.

"To that end, the U.S. Park Police have been working closely with the District of Columbia, the Metropolitan Police Department, the DC Department of Health and others to ensure that demonstrations associated with the 'Occupy' movement are conducted safely and in compliance with the law," the statement said.

Issa pointed to Recovery.gov, which says Fort Myer Construction Corporation was awarded \$424,600 to rehabilitate the park with new grass, concrete curbs, refurbished benches, light poles, water fountains, paint, chain fencing, trash cans and light meters.

Issa said much of the refurbishment was "damaged or destroyed" by Salazar's department permitting "illegal camping" in the park. Issa went into great detail about NPS' definition of camping, and accused NPS of rejecting its own rules by declaring the protest a "24-hour vigil" rather than camping.

"This situation raises questions about why those decisions were made, who participated in making them, and whether political judgments played a role in not enforcing the law," Issa added. The rehabilitation work was completed in Spring 2011.

Among other things, the letter asked Salazar to document communications between the Interior Department and the White House regarding the Occupy protests as well as NPS

communications about its deliberations on whether to evict the demonstrators. Last month, NPS warned the group that it would be evicted from the park, which is just blocks from the White House. D.C. police tried to forcibly remove them earlier this month when they tried to build a wooden structure without a permit. But the protesters filed a motion with a district judge who approved an injunction to allow the group to remain in the park until it receives notice from NPS 24 hours in advance that they are to vacate. Without it, U.S. District Court Judge James Boasberg say they can not be forced to leave. He then scheduled motions for Jan. 31, allowing protesters to claim victory against any "surprise" evictions. "We are reviewing the letter from Chairman Issa and will respond accordingly," Fetcher said.



David Barna/WASO/NPS
12/14/2011 06:39 AM

To Barbara Baxter/WASO/NPS@NPS, Celinda
Pena/WASO/NPS@NPS, David Barna/WASO/NPS@NPS,
Frances Cherry/WASO/NPS@NPS, Geoffrey Suiter, Jeffrey

cc

bcc

Subject newsclip: Washington Post - Issa challenges Occupy D.C.'s
claim to McPherson Square

Washington Post

Issa challenges Occupy D.C.'s claim to McPherson Square

By Tim Craig, December 13

Amid rising tension between Occupy D.C. protesters and some congressional leaders, a House committee is investigating why the National Park Service has allowed demonstrators to remain camped in McPherson Square.

The probe by the House Oversight and Government Reform Committee represents a new turn in the debate locally and nationally about whether Occupy Wall Street protesters should be allowed to stake claim to public property as part of their demonstrations against what they say are economic and political inequalities.

Rep. Darrell Issa (R-Calif.), the chairman of the committee, sparked the investigation with a letter to Interior Secretary Ken Salazar this week, accusing Occupy D.C. of damaging McPherson Square after \$400,000 in taxpayer funds were spent in recent years to improve it. He also questioned whether the Park Service has disregarded its own rules by making exceptions for the 10-week-old protest.

Citing a federal law that appears to prohibit camping in the square, Issa demanded that Salazar turn over by Jan. 3 "all communication" among Park Service officials, the White House and Occupy D.C. protesters. Issa also wants a "written explanation" on why the Park Service allowed demonstrators to "camp in McPherson Square" and a complete accounting of all arrests related to Occupy D.C.

"While the protesters' continued occupation of the park appears to violate the law, the NPS has not taken any action to enforce the relevant statute," Issa wrote. "This situation raises questions about why those decisions were made, who participated in making them, and whether political judgments played a role in not enforcing the law."

Interior officials did not directly address Issa's letter and gave no indication Tuesday that they would shift their stance toward the protesters.

The letter, which comes as three Occupy protesters enter the second week of their hunger strike for D.C. voting rights, represents the first direct congressional intervention in the protest on K

Street.

But in a city where skepticism of congressional Republicans runs deep, the letter could help galvanize a movement that is struggling to come up with a plan for sustaining itself through the winter.

On Tuesday, the gaunt and weary protesters on the hunger strike held a day-long sit-in outside the Capitol Hill office House Speaker John A. Boehner (R-Ohio). “They are stepping all over us, and we can’t let that continue,” said Rooj Alwazir, 23, a McPherson Square dweller who accompanied the hunger strikers to the Hill.

A separate protest group, Stop the Machine, has a Park Service permit to keep tents in Freedom Plaza, but the demonstrators in McPherson Square, affiliated with the Occupy Wall Street movement, do not have a permit to remain in the park overnight.

While police across the country have cleared out Occupy encampments in their cities — there was an early Tuesday morning raid on a park near Baltimore’s Inner Harbor — Park Service officials largely have adopted a policy of nonconfrontation with the McPherson Square protesters.

Backed by D.C. leaders sympathetic with the protesters’ goals, federal officials have stressed that they have been trying to uphold the citizens’ right to picket the government. Although more than 100 tents crowd McPherson Square, the federal officials have said there is precedent for allowing temporary structures on Park Service land as a part of a protest.

Adam Fetcher, Salazar’s press secretary, said the agency is working with D.C. leaders to “ensure that demonstrations associated with the Occupy movement are conducted safely and in compliance with the law.”

“The National Park Service and the U.S. Park Police are firmly committed to upholding Americans’ First Amendment rights while also enforcing our nation’s laws, guarding public safety and protecting the resources with which we are entrusted,” he wrote.

In his letter to Salazar, Issa accused the Park Service of allowing protesters to kill newly planted grass and damage upgrades to the park that had been funded with a \$400,000 grant from President Obama’s 2009 stimulus bill.

“We can all agree that once the federal government had invested the funds, no government agency should have allowed it to be damaged or destroyed when it legally could have been prevented,” Issa said.

Issa’s letter comes as some local business leaders are growing weary of the demonstrators. Over the past two weeks, more than 100 Occupy D.C. demonstrators have been arrested for blocking traffic and for other acts of civil disobedience. The protests are aimed at a host of concerns, including perceived corporate and lobbyist influence on government.

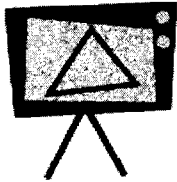
Several high-ranking D.C. officials said the Park Service should try to avoid a high-profile clash with the protesters.

“We don’t want the same thing to happen here as has happened in other cities,” said Del. Eleanor Holmes Norton (D-D.C.). “We support their underlying message. We just want them to be careful about the rights of others while they get their message out.”

On Tuesday, the leaders of D.C. Vote, an advocacy group, accompanied the hunger strikers to Capitol Hill to press for voting rights and local control over the D.C. budget. Adrian Parsons, Kelly Mears and Sam Jewler sat in wheelchairs in front of Boehner’s office for more than four hours in an effort to speak with him.

The speaker declined because he was focused on “getting Americans back to work,” his spokeswoman said. The protesters questioned why Congress is worried “about grass seed in a park” but not “D.C. democracy.”

Staff writer Annie Gowen contributed to this report.



Judy Bowman/NCR/NPS

10/13/2011 10:01 AM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS

cc Steve Whitesell/WASO/NPS@NPS

bcc

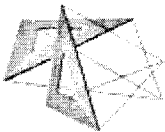
Subject Fw: Protestor Encampments at Freedom Plaza/McPherson Square

Send me over there - I'll heckle them away. Why was the permit extended? Isn't this a waste of our tax dollars? Why not change these aggressive protests to 1-day from 7a to 7p. Maybe I just need to dig a hole and crawl in and not let this stuff bother me. HA!

Oh - I have Richard Bradley coming to the office on Oct 24 at 11:30a for a meet and greet with RD Whitesell. Bob Vogel and Steve Lorenzetti are attending. I set this up last week.

Judy Bowman
Staff Assistant
Office of the Regional Director
National Capital Region
(office) 202-619-7023
(fax) 202-619-7220

----- Forwarded by Judy Bowman/NCR/NPS on 10/13/2011 09:37 AM -----



Kathleen Harasek/USPP/NPS

10/13/2011 08:13 AM

To

cc "Robert_Vogel@nps.gov" <Robert_Vogel@nps.gov>,

"Steve_whitesell@NPS.gov" <Steve_whitesell@NPS.gov>

Subject Re: Protestor Encampments at Freedom Plaza/McPherson Square

Sirs,
Just a bit of background... The Downtown BID meets monthly and I have one of our Lieutenants attend to liaison. One of the folks from the BID reached out to me yesterday to let me know that this letter was being sent. We are currently working on finishing an operational plan for the Freedom Plaza/McPherson Park area and I would be happy to review it with you.

lower on the road than the top of

Thanks,
Kathy

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

Kathleen_Harasek@nps.gov



Steve Whitesell
<steve_whitesell@nps.gov>

10/11/2011 11:11 AM

To Lisa_Mendelson-Ielmini@nps.gov

cc

bcc

Subject Fwd: update requested - dwntn protests

Pls. Respond

Sent from my iPad

Begin forwarded message:

From: Alexa Viets@nps.gov

Date: October 11, 2011 9:25:13 AM CDT

To: Steve Whitesell@nps.gov

Cc: Lisa Mendelson-Ielmini@nps.gov, Bob Vogel@nps.gov,
Karen Cucurullo@nps.gov, Steve Lorenzetti@nps.gov, Peggy O'Dell@nps.gov,
Maureen Foster@nps.gov

Subject: update requested - dwntn protests

Hi Steve,

Jon would like an update on the on-going Occupy DC demonstrations. Can you share with us the status of any current permits, if additional permits are anticipated and include an update from USPP as to any activity, issues or mobilization plans?

Thanks,
Alexa

Alexa Viets
National Park Service
(202) 501-7144



Steve Whitesell/WASO/NPS

10/14/2011 12:31 PM

To Anna.Maldonado@mail.house.gov

cc

bcc

Subject Responding on Behalf of Director Jarvis

Anna -

National Park Service Director Jon Jarvis is away today, but I believe I may be able to address Congressman Grijalva's questions regarding protesters in McPherson Square.

I'm available via email at the address above or by phone at 202-619-7023.

Steve Whitesell
National Park Service
Regional Director
National Capital Region

 **Tasha Robbins/WASO/NPS**
10/14/2011 10:31 AM

To Steve Whitesell/WASO/NPS@NPS
cc Judy Bowman/NCR/NPS@NPS, Maureen
Foster/WASO/NPS@NPS
bcc
Subject Re: Fw: Director Jarvis available today to speak w/
Congressman Grijalva 

Thanks Mr. Whitesell.

Tasha Robbins
National Park Service
Staff Assistant to the Director
1849 C Street Northwest, Room 3112
Washington, DC 20240
202-208-3818(Office)
202-208-7889 (Fax)
Steve Whitesell/WASO/NPS



Steve Whitesell/WASO/NPS
10/14/2011 10:05 AM

To Tasha Robbins/WASO/NPS@NPS
cc Judy Bowman/NCR/NPS@NPS, Maureen
Foster/WASO/NPS@NPS
Subject Re: Fw: Director Jarvis available today to speak w/
Congressman Grijalva 

Tasha -

Park Police has prepared a briefing statement that I hope to receive this morning. We are sending it to Maureen as well. Once I have that, I should be able to speak intelligently to the Ranking Member.

Steve Whitesell
National Park Service
Regional Director
National Capital Region

Tasha Robbins Good morning Mr. Whitesell, Can you please tak... 10/14/2011 08:57:13 AM

 **Tasha Robbins/WASO/NPS**
10/14/2011 08:57 AM

To Steve Whitesell/WASO/NPS@NPS
cc Judy Bowman/NCR/NPS@NPS, Maureen
Foster/WASO/NPS@NPS
Subject Fw: Director Jarvis available today to speak w/ Congressman
Grijalva

Good morning Mr. Whitesell,

Can you please take care of this? Jon is on travel.

Thanks!

Tasha Robbins

Thank you in advance.

ANNA MALDONADO
SCHEDULER | REP. RAÚL M. GRIJALVA (AZ-07)
1511 LONGWORTH | WASHINGTON, D.C. 20515 | 202.225.2435
SIGN UP FOR CONGRESSMAN GRIJALVA'S [GRANTS NEWSLETTER](#)



Richard Bradley
<bradley@downtowndc.org>

10/14/2011 10:17 PM

To "Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>, "Steve_Whitesell@nps.gov"
<Steve_Whitesell@nps.gov>
cc "christopher.murphy@dc.gov"
<christopher.murphy@dc.gov>, "jackevans@dccouncil.us"
<jackevans@dccouncil.us>, "paul.quander@dc.gov"

bcc

Subject RE: Protestor Encampments at Freedom Plaza/McPherson Square

Hi Commander Harasek,

Thank you for your response to my letter to Steve Whitesell in which we shared our concerns about the adequacy of NPS to effectively to monitor and enforce the requirements which are usually the conditions of any permit which has been granted by your agency as they relate to the present encampment situation which has been allowed in downtown DC. We are well aware and appreciative of the efforts of your police force to work in cooperation with us on downtown matters and are welcome the opportunity to create a more direct relationship with you and the other members of your force. We recently hired David Kanperin, who until the end of May was the MPD Commander of 2D, as our Director of Public Space Management. I would like to involve him in any future discussions.

We recognize the complexities of the present situation, and understand that we will be meeting with senior leadership on Monday morning to learn more about the findings of law which have permitted NPS to seemingly alter long standing practices as they relate to the use of our downtown parks for protest or assembly purposes. And we are aware of the efforts of your force, in light of these changes in practice to attempt to monitor the situation in the face of dramatically increased needs to monitor these public spaces 24/7, and possibly for 4 more months. However, as we will share with you these efforts, as well as those of other services of NPS, appear to be insufficient to the task and we believe are creating serious unintended problems which I shared in my letter to Steve. In the meantime the burden of managing these matters has fallen to us and DC Government.

We welcome the chance to work with you but I am puzzled why no one from NPS called us to share information about the decision to allow these encampments, or to invite the cooperation and collaboration and understanding you are now asking for. We clearly will work with you but feel at the moment the partnership is a one way street.

I think we would benefit from a separate meeting with you, aside from our meeting next Monday morning.

Leaving aside my expressed frustration I want to make sure you understand we are prepared to work with you and welcome your expressed interest to this end.

I will be in touch on Monday.

Thanks.

Rich Bradley

From: Kathleen_Harasek@nps.gov [Kathleen_Harasek@nps.gov]
Sent: Friday, October 14, 2011 5:44 PM
To: Richard Bradley; Steve_Whitesell@nps.gov
Cc: christopher.murphy@dc.gov; jackevans@dccouncil.us; paul.quander@dc.gov;

Robert_Vogel@nps.gov

Subject: Re: Protestor Encampments at Freedom Plaza/McPherson Square

Richard,

By way of email intro my name is Kathy Harasek and I am a District Commander with the U.S. Park Police, areas of the Downtown BID fall within my command. Please know that our supervisors and officers are committed to enforcing the regulations that keep the park areas safe and secure for everyone's use. Sometimes these tasks are easy and enjoyable, other times these tasks present unique challenges-this is one of those times.

During times such as these your support and the support of the members of the Downtown BID and other similar organizations is an important component to the message that is sent to those who currently use the park in a manner that leaves it unsightly and dissuades others from visiting.

Please know that our officers are routinely checking on the parks, reminding violators of the regulations applicable to the area and documenting these activities. Throughout this time we have been consulting with our agency's Solicitor's Office to ensure that our enforcement efforts are supported by the appropriate legal rules and regulations.

My agency has an excellent reputation of dealing with First Amendments groups that come to Washington, DC to exercise their rights, our operational plans are sound and our responses provide the highest level of safety and security. Our responses to these groups will be consistent, but it will take time.

I welcome the opportunity to meet with you and those you represent to discuss these matters further.

I hope that I have assured you of our commitment to the ongoing enforcement efforts.

Please feel free to contact me directly at 202-426-6710.

Capt. Kathleen Harasek

U.S. Park Police

202-426-6710

----- Original Message -----

From: Richard Bradley [bradley@downtowndc.org]

Sent: 10/14/2011 01:47 AM GMT

To: Steve Whitesell

Cc: "christopher.murphy@dc.gov" <christopher.murphy@dc.gov>;

"jackevans@dcccouncil.us" <jackevans@dcccouncil.us>; Kathleen Harasek;

"Kevin_Hay@nps.gov" <Kevin_Hay@nps.gov>; "paul.quander@dc.gov"

<paul.quander@dc.gov>; Robert Vogel

Subject: RE: Protestor Encampments at Freedom Plaza/McPherson Square

Hi Steve,

Thanks for responding. Sorry our "meet and greet event" scheduled for tomorrow had to be cancelled in expectation of the MLK dedication events this weekend.

It appears we are now scheduled to meet with the appropriate National Mall personal on Monday. Steve Lorenzetti was most response in arranging.

But I do want to let you know that we have many security, sanitation, and general management concerns about the present state of the encampments. Leaving aside what appears to be an expeditious permitting process (not afforded to many of us) which seems to overlook long standing NPS practices, there doesn't appear the needed resources to enforce whatever basic requirements are essential to maintain and protect these sites.

No one ever reached out to us, and I assume the city, to share with us the

anything about your decisions and we feel we have been burdened both to figure out what are the plans for these sites and well as to attempt to manage the consequences.

We have had a relatively good partnership and I hope we can find ways to restore the sense of partnership we have had with NPS in the past.

We look forward to meeting with you in the near future.

Rich

From: Steve Whitesell@nps.gov [Steve_Whitesell@nps.gov]
Sent: Thursday, October 13, 2011 2:37 PM
To: Richard Bradley
Cc: christopher.murphy@dc.gov; jackevans@dccouncil.us;
Kathleen_Harasek@nps.gov; Kevin_Hay@nps.gov; paul.quander@dc.gov;
Robert_Vogel@nps.gov
Subject: Re: Protestor Encampments at Freedom Plaza/McPherson Square

Richard -

Thanks for your email and I'm sorry I haven't had a chance to respond sooner. I've been out of town since late last week.

I greatly appreciate the NPS/Downtown BID Partnership and you and your constituents concerns. I know that the Park Police have attended many of your monthly meetings in the past and would suggest that Captain Kathleen Harasek would be the person most familiar with the specifics of the current encampment. I will have her get back in touch with you ASAP to address the questions you've raised.
Steve

Steve Whitesell
National Park Service
Regional Director
National Capital Region

Richard Bradley
<bradley@downtown
dc.org>

10/12/2011 02:10
PM

"Steve_whitesell@NPS.gov"
<Steve_whitesell@NPS.gov>

"Robert_Vogel@nps.gov"
<Robert_Vogel@nps.gov>,
"paul.quander@dc.gov"
<paul.quander@dc.gov>,
"christopher.murphy@dc.gov"
<christopher.murphy@dc.gov>,
"Kevin_Hay@nps.gov"
<Kevin_Hay@nps.gov>,
"Kathleen_Harasek@nps.gov"
<Kathleen_Harasek@nps.gov>,
"jackevans@dccouncil.us"
<jackevans@dccouncil.us>

To

cc

Subject

Protestor Encampments at Freedom

Plaza/McPherson Square

October 12, 2011

Mr. Steve Whitesell
Capital Regional Director
National Park Service
1100 Ohio Drive SW
Washington DC 20242-0001

Dear Director Whitesell:

The Downtown Business Improvement District would welcome a chance to meet with you as soon as possible to discuss the protestors' encampments at Freedom Plaza and McPherson Square. We are finding ourselves playing a significant role in maintaining order.

While the Downtown BID recognizes the Constitutional rights of Americans to protest, we also respect the rights of Downtown's 180,000 workers and 8,500 residents to enjoy a safe and healthy Downtown environment.

We would like to know the following:

1. Who should be our point of contact at NPS? Park Police?
2. Where protestors have permits, what are the terms and conditions of the permits? How are the terms and conditions being enforced?
3. Where protestors do not have permits, are permits being processed?
4. Are the Park Police providing 24/7 patrols at Freedom Plaza and McPherson Square?
5. Is NPS allowing for provision of public toilets and public showers?
6. Are the Park Police regulating strictly the use of propane and other flammable materials?
7. How is coordination being handled with the city-especially the Metropolitan Police Department and Department of Public Works?
8. Does NPS intend to devote significant resources to resodding and other redemptive parks measures once the protests have ended.

We are also attempting to coordinate with DC government about related matters.

We look forward to meeting soon.

The Downtown BID appreciates its 14-year partnership with NPS and the Park Police. Please do not hesitate to contact me with any questions or comments.

Sincerely,

Richard H. Bradley
Executive Director

Richard H. Bradley
Executive Director
DowntownDC Business Improvement District
1250 H Street, NW, Suite 1000
Washington, DC 20005
202-661-7561 Direct
202-661-7598 Fax
www.downtowndc.org (See attached file: Whitesell.Emcampment.10.12.11.pdf)



Maureen Foster/WASO/NPS

10/20/2011 06:45 AM

To "Steve Whitesell" <Steve_Whitesell@nps.gov>, "Bob Vogel" <Bob_Vogel@nps.gov>

cc

bcc

Subject Fw: Fwd: Meeting with NPS

Hey. See below. Can we get on the phone this morning? Unless you want to come over? I will be in the office by 815 I hope.

Thanks.

Maureen D. Foster
202.208.5970

From: Maureen Foster
Sent: 10/20/2011 06:43 AM EDT
To: Laura Davis; Jon Jarvis; Peggy O'Dell
Cc: Rachel Jacobson; Matt Lee-ashley; David Hayes
Subject: Re: Fwd: Meeting with NPS

Good morning Laura.

Jon and Peggy are on travel today. I will get with the regional folks, U SPark Police and Solicitors to get a consolidated update for you.

They are working on a plan and are aware of DC's concerns about the square.
what time would be good to talk this morning? Maybe 10 or is that too late?

Maureen

Maureen D. Foster
202.208.5970

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 10/20/2011 05:34 AM AST
To: Jon Jarvis; Peggy O'Dell; Maureen Foster
Cc: Rachel Jacobson; Matt Lee-ashley; David Hayes
Subject: Fwd: Meeting with NPS

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
Date: October 17, 2011 8:29:28 PM EDT

To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Meeting with NPS

Laura – This continues to be an issue. Would you all consider working with us to try to negotiate a consolidation of folks at Freedom Plaza? The park at McPherson Square is experiencing incredible damage. At least we could try to minimize the damage to the park by getting everyone at Freedom Plaza.

From: Richard Bradley [<mailto:bradley@downtowndc.org>]
Sent: Monday, October 17, 2011 8:25 PM
To: Murphy, Christopher (EOM); David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard
Subject: RE: Meeting with NPS

Chris,

If the Park Service develops a clear set of guidelines as well as dramatically increases their ability to enforce them we might be able to "live" with them especially if the groups could be consolidated into a single place at Freedom Plaza. They are destroying McPherson.

But day by day the encampments seem to slowly grow, in large part with the addition of homeless individuals. Today someone driving a Mercedes station wagon with a Maryland license was dropping off mats, rugs, and other contributions to McPherson which now seems to have a full fledged kitchen in the making.

In the short run we are hoping that NPS can effectuate a containment strategy.

Thanks.

Rich

From: Murphy, Christopher (EOM) [christopher.murphy@dc.gov]
Sent: Monday, October 17, 2011 8:05 PM
To: David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: RE: Meeting with NPS

Thanks so much Dave. It sounds like a very positive meeting – all things considered.

Are there other concerns here or if these commitments are kept can you all live with them? It sounds like the latter but I'd like to be sure.

Thanks,

Chris

Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign
"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.

Learn more at www.dconefund.org or www.onefund.dc.gov. One City, Working Together!

From: David Kamperin [<mailto:davidk@downtowndc.org>]
Sent: Monday, October 17, 2011 3:31 PM
To: Murphy, Christopher (EOM)
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: Meeting with NPS

Chris-

Today we meet with Robert Vogel, Superintendent of National Mall and Memorial Parks and a few of his staff to discuss the issues at Freedom Plaza and McPherson Square. We discussed four main topics:

1. Laws and policies – apparent current laws and policies have been violated in these parks regarding camping, structures, cooking (flammable materials to include propane) and generators. Further that prohibiting overnight camping by NPS did not violate freedom of speech or assembly -Supreme Court case *Clark v Community for Creative Nonviolence*, 468 U.S. 288 (1984).
2. Requirements of park users-requirements of posting of bonds, maintaining public order and cleanliness of park, prohibition of harming of park land (36 CFR Ch. I § 7.96).
3. Enforcement and protection- obligation of NPS to not only protect the park resources but also people who use the park; concern with public health and safety issues
 - a. USPP services and uniformed presence to ensure all who use the park are safe and to ensure open communication and intelligence with MPD
 - b. Child protective services to deal with small children living in these encampments in these unsanitary conditions;
 - c. Maintenance services to deal with the trash and debris;
 - d. Capital Repairs to be set aside when parks are vacated to restore to pre-encampment conditions;
4. Coordination and communication-better coordination to stakeholders (DBID etc)

It was apparent that the Superintendent shared our concerns with the current conditions of the two parks and their current usage and deterioration. He committed to increase maintenance and cleanliness in those parks and coordinate with USPP safety concerns (to include uniform presence). Superintendent Vogel indicated he had a meeting this afternoon with the Director, NPS solicitors and USPP to discuss these encampments and express our concerns and that he would follow up with us. He agreed that NPS could not establish or permit a precedent with these types of encampments (although we all agreed and realized that the parks maybe a protected platform for those to use for First Amendment activities) and that NPS had to come up with enforcement strategies to deal with the illegal activities-but of course did not mention specific enforcement activities. We, of course, encouraged them to coordinate with MPD if (and when) this time comes.

We also discussed several examples of good usage requests that were denied by NPS (summer concerts in the park, limited food vending, beautification applications and green space use) that would enhance the urban park experience and usage here in DC that would emulate several other best practices and usages not only here in the US but internationally. We also discussed what appeared to be the ease of such activity which, over extended time, has caused harm and damage to our natural resources without any enforcement activity or proactive park management. We pointed out that recent enforcement in several cities and states regarding these illegal encampments have not brought with them the waves of protesters objecting to this action as was feared.

Finally, we requested that if NPS was not going to enforce the laws prohibiting camping, etc that they re-locate the encampments to the National Mall (of course they did not agree with that recommendation) or at least remove the non-permitted activity at McPherson and relocate them to Freedom Plaza, so that capital repairs can be made to green space before winter at McPherson.

The following are the points of contact from today's meeting-

Superintendent Robert Vogel (bob_vogel@nps.gov) 202-245-4661

Deputy Superintendent of Operations Karen Cucurullo (karen_cucurullo@nps.gov) 202-245-4670

Please let me know what the DBID can do to further assist you and the city with this. Also, if you could let us know how your meeting with Dept of Interior goes and any enforcement plans that they may have to deal with this.

Thanks- Dave



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.gov/operationtipp>



Bob Vogel/NAMA/NPS
10/20/2011 09:07 AM

To Steve Whitesell/WASO/NPS@NPS,
Maureen_Foster@nps.gov
cc
bcc
Subject Fw: Attorney-Client Privileged: Occupy DC - McPherson
Square -- NAMA Regular Trash Removal

Fyi

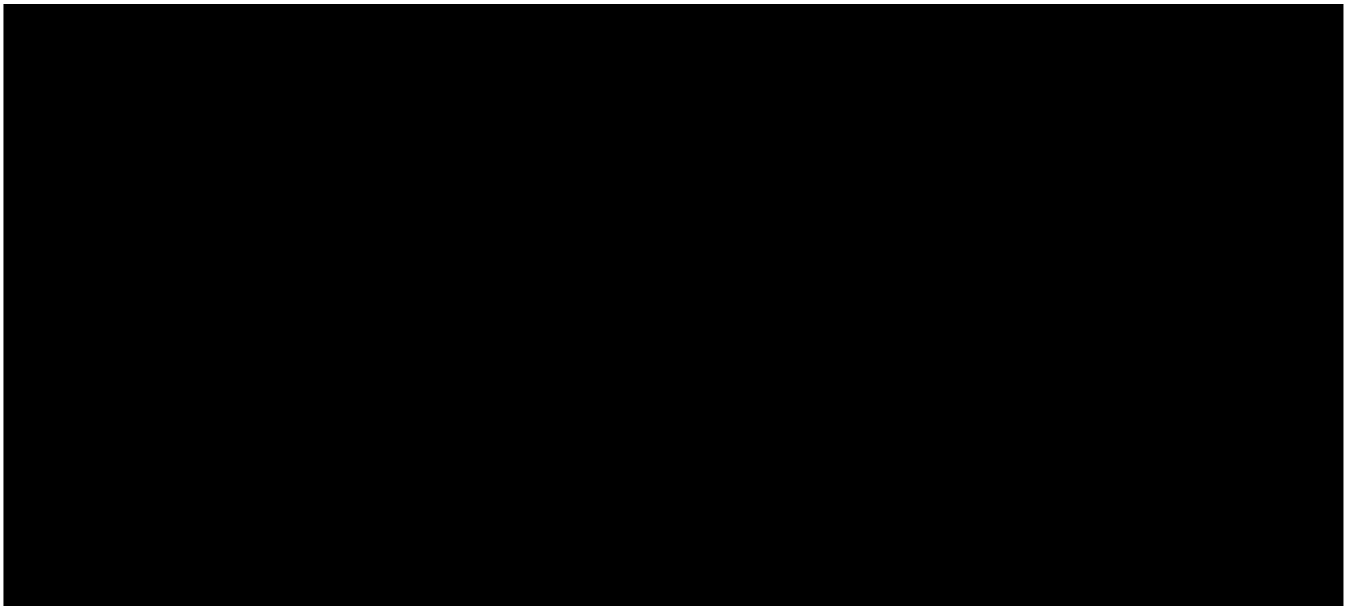
Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661

----- Forwarded by Bob Vogel/NAMA/NPS on 10/20/2011 09:07 AM -----



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>
10/20/2011 08:59 AM

To "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Lorenzetti, Steve" <Steve_Lorenzetti@nps.gov>, "Cucurullo, Karen" <Karen_Cucurullo@nps.gov>, "Owen, Robbin" <Robbin_Owen@nps.gov>
cc "Smith, Patrick C." <Patrick_Smith@nps.gov>, "Harasek, Kathleen" <Kathleen_Harasek@nps.gov>, "Guddemi, Charlie" <Charles_Guddemi@nps.gov>, "Maclean, Robert" <Robert_MacLean@nps.gov>, "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>
Subject Attorney-Client Privileged: Occupy DC - McPherson Square -- NAMA Regular Trash Removal



Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Robert MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]
Sent: Wednesday, October 19, 2011 4:40 PM
To: Myers, Randolph
Cc: Smith, Patrick C.; Harasek, Kathleen; Guddemi, Charlie
Subject: Fw: Occupy DC Update - McPherson Square

Randy,

More pressure from the community.

Major Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
(202) 619-7085 - Office
(202) 438-6656 - Nextel
robert_maclean@nps.gov - Email

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----- Forwarded by Robert MacLean/USPP/NPS on 10/19/2011 04:39 PM -----

Teresa
Chambers/USPP/NPS

10/19/2011 04:34
PM

"Robert MacLean"
<Robert_MacLean@nps.gov>, "Patrick
Smith" <Patrick_Smith@nps.gov>

To

cc

Subject
Fw: Occupy DC Update - McPherson
Square

Things are heating up . . .
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350


From: David Kamperin [davidk@downtowndc.org]
Sent: 10/19/2011 08:20 PM GMT
To: Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Kathleen Harasek; Teresa Chambers; "kevin_hay@nps.gov" <kevin_hay@nps.gov>
Cc: Richard Bradley <bradley@downtowndc.org>; Rick Reinhard <reinhard@downtowndc.org>; "christopher.murphy@dc.gov" <christopher.murphy@dc.gov>; Karyn LeBlanc <karyn@downtowndc.org>
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel
Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response - to include increased trash pick ups and enforcement of these severe public safety issues.

(Embedded image moved to file: pic19882.jpg)

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To learn more, visit <http://www.mpdcc.gov/operationtipp>

From: Blake Holub
Sent: Wednesday, October 19, 2011 4:04 PM
To: David Kamperin
Cc: Kenneth Gregory
Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA
Quality Control Manager
Public Space Management
Downtown DC BID
1250 H Street, NW Suite 1000
Washington, DC 20005
Desk: (202) 661-7571
Fax: (202) 661-7599
Email: blake@downtowndc.org
(See attached file: Storage_Tent_10-19-11.JPG) (See attached file:
Excessive Trash 10-19-11.JPG) (See attached file: Generator_2 10-19-11.JPG)
(See attached file: occupy_dc_10_19_11.JPG) (See attached file:
ODC_generator.JPG)



Steve Whitesell/WASO/NPS

10/26/2011 08:37 AM

To Lisa Mendelson-ielmini

cc

bcc

Subject NAMA Meeting Cancelled

Bob and Team are crunched for time. I rescheduled for tomorrow at 8 AM (only time he could meet). Two issues from my perspective to discuss - Wiss, Janney report on WAMO (I will send copy to you) and McPherson/Freedom Plaza protest status.

Steve Whitesell
National Park Service
Regional Director
National Capital Region



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/01/2011 09:40 AM

To "Lawler, Gregory R" <Greg_Lawler@ios.doi.gov>

cc "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Harasek, Kathleen" <Kathleen_Harasek@nps.gov>, "Owen, Robbin" <Robbin_Owen@nps.gov>, "Whitesell, Steve E."

bcc

Subject RE: Occupy movement

Greg: I'll be glad to brief Polly on the various legal aspects to the issue. I'll be available today after 11:30; tomorrow from 8-9:20, 3-4:20; Wednesday 8-9:20, 11:30-4:30.

[REDACTED]

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Lawler, Gregory R
Sent: Tuesday, November 01, 2011 9:05 AM
To: Myers, Randolph
Subject: Occupy movement

Randy,

If you are available, Polly is requesting that I schedule you for a short briefing (maybe 10 minutes) on the "occupy" movement and how DOI is addressing it.

Thanks,
Greg

Greg Lawler
Chief, Operations and Policy

Office of Law Enforcement and Security
Department of the Interior
Washington, D.C.
(202) 208-1570
Greg_Lawler@ios.doi.gov



Sue Masica/AKSO/NPS

10/28/2011 05:37 PM

To Peggy O'Dell/WASO/NPS@NPS

cc "Chris Lehnertz" <Chris_Lehnertz@nps.gov>, "David Vela"
<David_Vela@nps.gov>, "Dennis Reidenbach"
<Dennis_Reidenbach@nps.gov>, "John Wessels"

bcc

Subject Re: Occupy Movement

Here's the Alaska version... :)



Sue Masica
Regional Director, Alaska
National Park Service
240 W. 5th Avenue
Anchorage, AK 99501
ph: (907) 644-3510
fax: (907) 644-3816

Peggy O'Dell

Had a few minutes this afternoon to line up the s...

10/28/2011 12:46:31 PM



Peggy O'Dell/WASO/NPS

10/28/2011 12:46 PM

To "Sue Masica" <sue_masica@nps.gov>, "Dennis
Reidenbach" <Dennis_Reidenbach@nps.gov>, "Steve
Whitesell" <Steve_Whitesell@nps.gov>, "David Vela"
<David_Vela@nps.gov>, "Michael Reynolds"



<Michael_Reynolds@nps.gov>, "John Wessels"
<John_Wessels@nps.gov>, "Chris Lehnertz"
<Chris_Lehnertz@nps.gov>
cc "Maureen Foster" <Maureen_Foster@nps.gov>, "Jon Jarvis"
<Jon_Jarvis@nps.gov>, "Alexa Viets"
<lex.viets@gmail.com>, "Steve Shackelton"
<Steve_Shackelton@nps.gov>, "Rick Obernesser"
<Rick_Obernesser@nps.gov>
Subject Occupy Movement

Had a few minutes this afternoon to line up the solicitor who will be available to consult with us should any more Occupy events happen soon. Please use me as POC and we can engage Randy Myers as necessary. Randy's cell number is [REDACTED] He is pretty used to late night calls from USPP! Hopefully we won't need to bother him this weekend.

Sent from my BlackBerry Wireless Handheld



Steve Whitesell/WASO/NPS

11/07/2011 12:59 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS

cc

bcc

Subject Re: Fw: Protesters

You probably saw the article in the Post about a protester being hit up by the Convention Center. Sounds like the natives are getting restless.

Steve Whitesell
National Park Service
Regional Director
National Capital Region

Lisa Mendelson-Ielmini Fyi

11/07/2011 12:50:27 PM



Lisa
Mendelson-Ielmini/NCR/NPS
11/07/2011 12:50 PM

To "Steve Whitesell" <Steve_Whitesell@nps.gov>

cc

Subject Fw: Protesters

Fyi

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]

----- Original Message -----

From: "AlertDC" [alert25806@alert.ema.dc.gov]

Sent: 11/07/2011 12:37 PM EST

To: "Transportation Alert Recipients" <rsan@alert.ema.dc.gov>

Subject: Protesters

MPD reports approximately 75 protesters in the area of McPherson Square. They are reported to be in the 800 block of L Street NW blocking traffic in both directions. Please avoid the area.

Sent by DC HSEMA to e-mail....powered by Cooper Notification RSAN

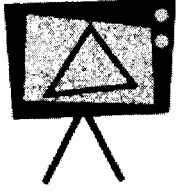
- You received this alert because you registered for AlertDC.

- Go to <https://textalert.ema.dc.gov/mygroups.php> to change subscriptions.

- Go to <https://textalert.ema.dc.gov/sendpassword.php> to reset password.

- Reply STOP to unsubscribe from all alerts & service messages.

- Tell a friend about Alert DC! Text "DC" to 411911, or sign-up at <https://textalert.ema.dc.gov/>



Judy Bowman/NCR/NPS

11/09/2011 12:04 PM

To Tonya Thomas/NACC/NPS@NPS, Bob
Vogel/NAMA/NPS@NPS, Steve
Lorenzetti/NACC/NPS@NPS, Ann Bowman

cc

bcc

Subject The Nov 15, 8 a.m. mtg re Occupied DC will be held in the
NCR conf room. TONYA-plse inform USPP. Thanks!

Judy Bowman
Staff Assistant
Office of the Regional Director
National Capital Region
(office) 202-619-7023
(fax) 202-619-7220



Bob Vogel/NAMA/NPS

11/08/2011 03:46 PM

To Steve Whitesell/WASO/NPS@NPS

cc

bcc

Subject Occupy concern

MPD has requested to come on to park property and issue a flyer regarding DC laws this evening at McPherson. We(USPP and NAMA) have indicated our preference that MPD not do this as we think it has potential to escalate the tenuous relationship between MPD and occupy. We are not sure whether MPD will honor our request. I have asked that if anything goes wrong not to call us in the middle of the movie tonight! We are preparing to brief you next Tuesday morning on the latest action steps with the USA and solicitors and the District Court.

Robert A. Vogel
Superintendent
National Mall and Memorial Parks
(202) 245-4661



Steve Whitesell/WASO/NPS

11/15/2011 03:42 PM

To "Bob Vogel" <Bob_Vogel@nps.gov>

cc

bcc

Subject Fw: Conference Call this afternoon about Occupy DC

Per conversation

Sent from my BlackBerry Wireless Device
Claire Rozdilski

----- Original Message -----

From: Claire Rozdilski
Sent: 11/15/2011 03:22 PM EST
To: Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Maureen Foster; Alma Ripps; Sue Waldron
Cc: Tasha Robbins
Subject: Conference Call this afternoon about Occupy DC

Good afternoon,

The conference call today will be at 5pm. **Call in information: 866-767-0316. Participant code: 9312232,** and in Peggy's office for those at MIB.
Please be patient if the Director and Peggy are not on the call right at 5 - they are at an off-site meeting till 4:30 and need time to get back to the office...

Thanks!
Claire

Claire C. Rozdilski
National Park Service
Staff Assistant to the Deputy Director, Operations
1849 C Street NW
Washington, DC 20240
202-208-3818(Office)
[REDACTED]
202-208-7889 (Fax)



"Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>

11/17/2011 01:23 PM

To "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>, "Lorenzetti, Steve" <Steve_Lorenzetti@nps.gov>, "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Owen, Robbin" <Robbin_Owen@nps.gov>, "Mendelson, Lisa" <Lisa_Mendelson-lelmini@nps.gov>, "Whitesell, Steve E." <Steve_Whitesell@nps.gov>

bcc

Subject RE: Draft Second Notice and revising the draft Executive Brief

[REDACTED]

Kimberly Fondren
Attorney-advisor
Division of Parks and Wildlife
202-208-4338

From: Myers, Randolph
Sent: Thursday, November 17, 2011 9:53 AM
To: Lorenzetti, Steve; Vogel, Bob A.; Owen, Robbin; Harasek, Kathleen
Cc: Fondren, Kimberly; Mendelson, Lisa; Whitesell, Steve E.
Subject: fyi: Draft Second Notice and revising the draft Executive Brief

[REDACTED]

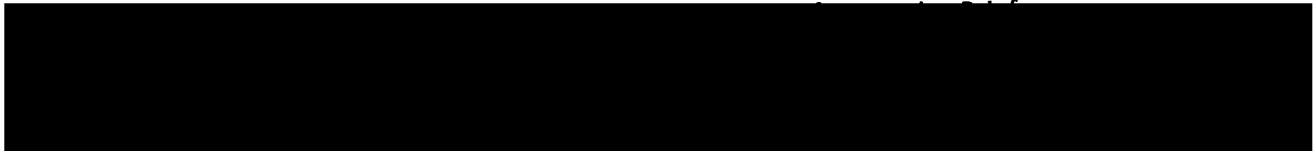
Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

From: Myers, Randolph
Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
Cc: Fondren, Kimberly
Subject: Suggested edits to the USPP draft Executive Brief
Importance: High



Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
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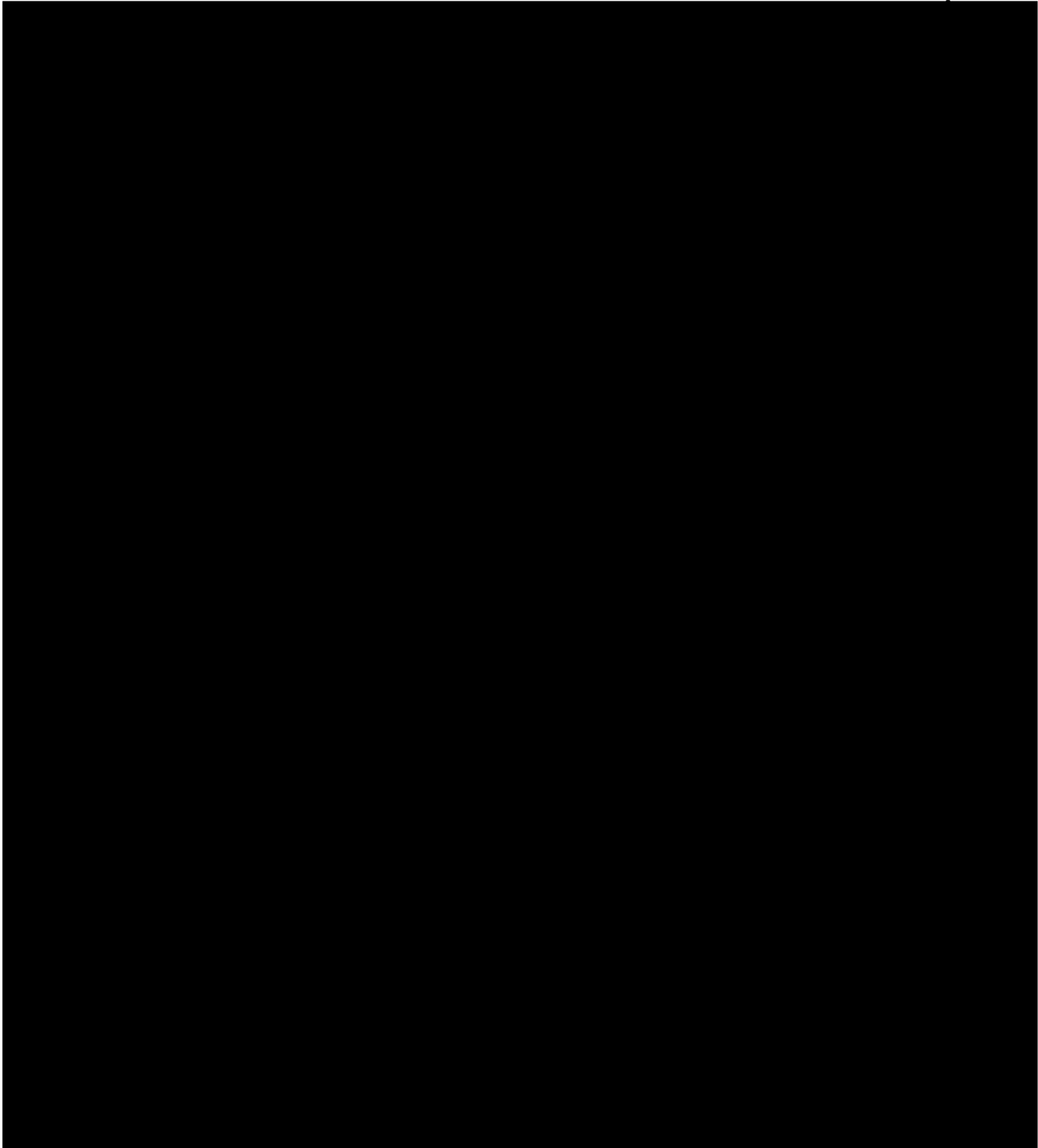
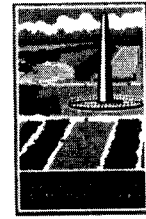
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Help Us Preserve Freedom Plaza and McPherson Square

National Mall and Memorial Parks – National Park Service

[Insert date]





Lisa
Mendelson-Ielmini/NCR/NPS
11/17/2011 04:19 PM

To "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>
cc Bob_Vogel@nps.gov, Steve_Whitesell@nps.gov,
Steve_Lorenzetti@nps.gov, Kathleen
Harasek/USPP/NPS@NPS, Robbin_Owen@nps.gov
bcc
Subject Re: fyi: Draft Second Notice and revising the draft Executive
Brief 

My 2 comments are editorial --



Thanks for the chance to comment

~Lisa

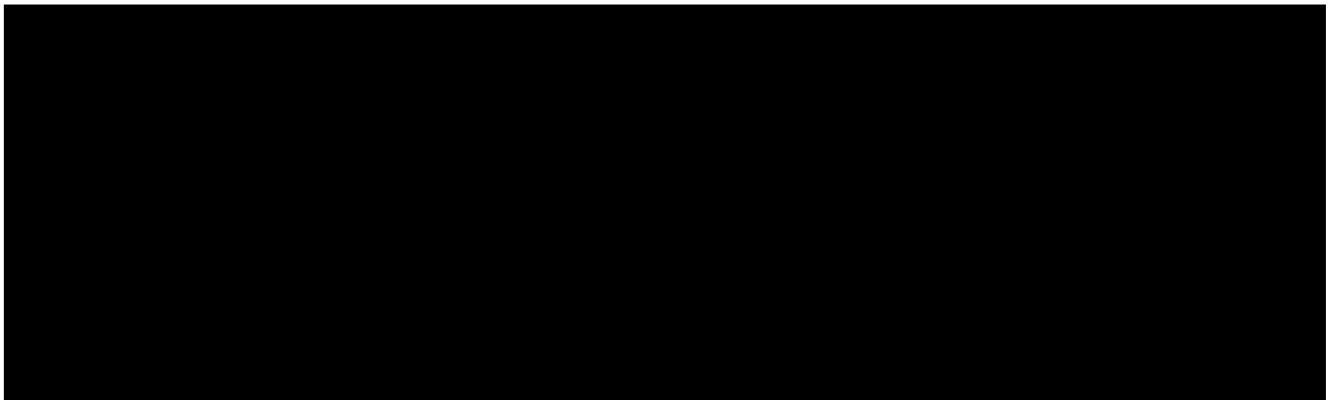
Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>
11/17/2011 09:53 AM

To "Lorenzetti, Steve" <Steve_Lorenzetti@nps.gov>, "Vogel,
Bob A." <Bob_Vogel@nps.gov>, "Owen, Robbin"
<Robbin_Owen@nps.gov>, "Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>
cc "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>,
"Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Whitesell, Steve E." <Steve_Whitesell@nps.gov>
Subject fyi: Draft Second Notice and revising the draft Executive
Brief



[REDACTED]

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
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Subject: Suggested edits to the USPP draft Executive Brief
Importance: High

[REDACTED]

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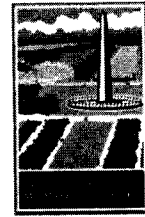


Draft NAMA Second Notice RMyers 11.16.11.docx

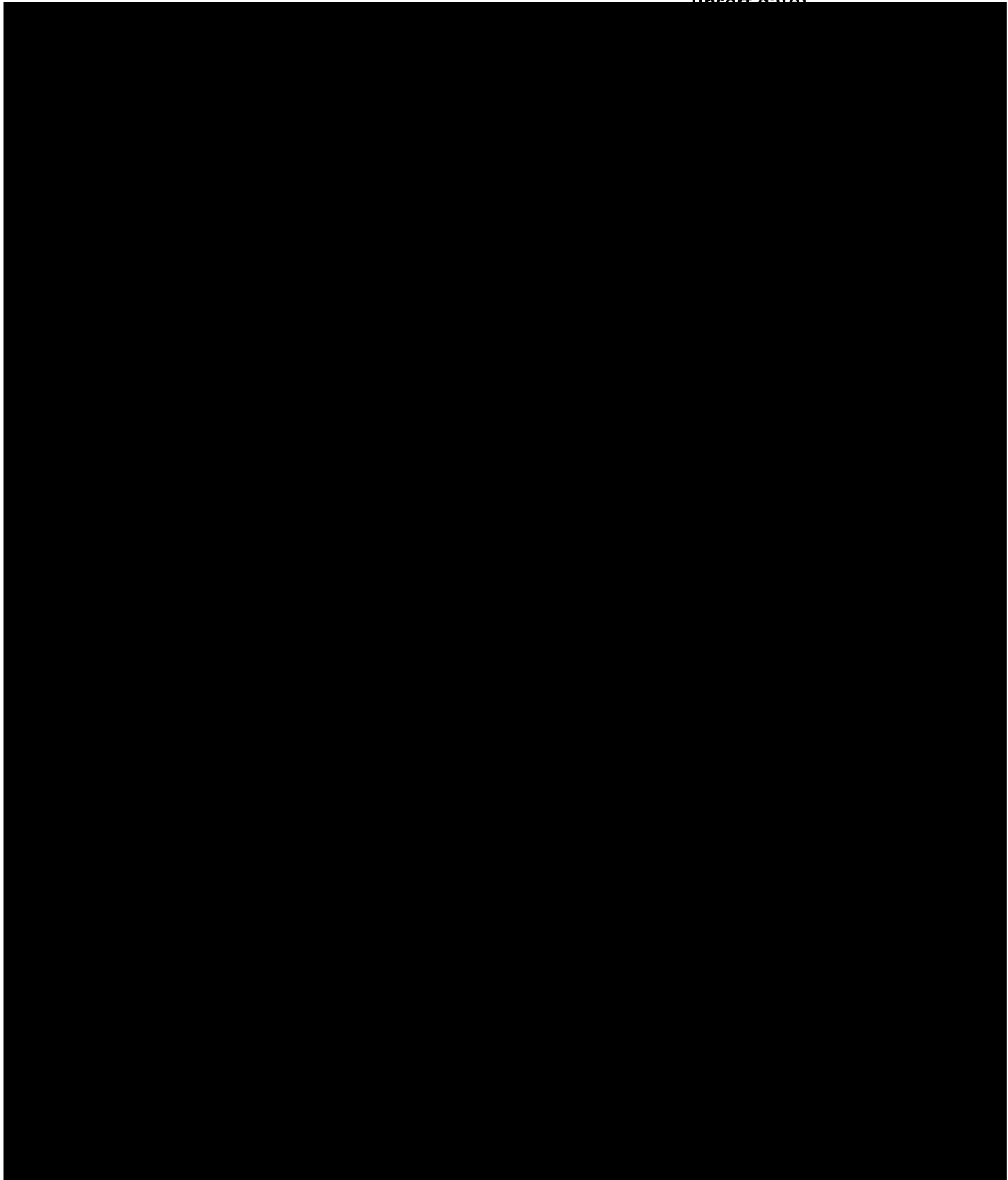


Help Us Preserve Freedom Plaza and McPherson Square

National Mall and Memorial Parks – National Park Service



[Insert date]





Peggy O'Dell/WASO/NPS

11/17/2011 03:17 PM

To "Steve Whitesell" <Steve_Whitesell@nps.gov>, "Bob Vogel" <bob_vogel@nps.gov>, "Teresa Chambers" <Teresa_Chambers@nps.gov>

cc

bcc

Subject Fw: Fwd: Occupy

FYI. Be thinking about it please and talk with Solicitors as you have time.

Sent from my BlackBerry Wireless Handheld

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

Sent: 11/17/2011 03:07 PM EST

To: Maureen Foster; Peggy O'Dell

Subject: Fwd: Occupy

Incoming. At retreat in WV will let you know what I get next.

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>

Date: November 17, 2011 1:56:54 PM EST

To: "Davis, Laura" <Laura_Davis@ios.doi.gov>

Subject: Occupy

Laura - We are watching them closely today. If they disrupt rush hour as has been suggested I think it is time we plan together for a serious change in how we have been approaching them in DC. We are increasingly concerned.

Thanks,
Chris

Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign
"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
Learn more at www.dconefund.org or www.onefund.dc.gov. One City, Working Together!



"Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>
11/18/2011 03:43 PM

To "Owen, Robbin" <Robbin_Owen@nps.gov>, "Myers,
Randolph" <RANDOLPH.MYERS@sol.doi.gov>
cc "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Harasek,
Kathleen" <Kathleen_Harasek@nps.gov>, "Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>, "Lorenzetti, Steve"
bcc

Subject RE: fyi: Draft Second Notice and revising the draft Executive
Brief

I saw a previous draft that Randy worked on, this looks fine to me. Randy is
out today.

Kimberly Fondren
Attorney-advisor
Division of Parks and Wildlife
202-208-4338

From: Robbin_Owen@nps.gov [Robbin_Owen@nps.gov]
Sent: Friday, November 18, 2011 3:31 PM
To: Myers, Randolph
Cc: Vogel, Bob A.; Harasek, Kathleen; Fondren, Kimberly; Mendelson, Lisa;
Lorenzetti, Steve; Whitesell, Steve E.
Subject: Re: fyi: Draft Second Notice and revising the draft Executive Brief

Hi All would like to finalize and get this to the parks, I have made
Lisa's revision. Have other edits been made?

Thanks,
Robbin

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/17/2011 09:53
AM

To
"Lorenzetti, Steve"
<Steve_Lorenzetti@nps.gov>, "Vogel,
Bob A." <Bob_Vogel@nps.gov>, "Owen,
Robbin" <Robbin_Owen@nps.gov>,
"Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>

cc

"Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>,
"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Whitesell, Steve E."
<Steve_Whitesell@nps.gov>

Subject
fyi: Draft Second Notice and
revising the draft Executive Brief

[REDACTED]

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
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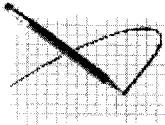
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From: Myers, Randolph
Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
Cc: Fondren, Kimberly
Subject: Suggested edits to the USPP draft Executive Brief
Importance: High

[REDACTED]

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
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(See attached file: Draft NAMA Second Notice RMyers 11.16.11.docx)



Simeon Klebaner/USPP/NPS

11/19/2011 07:58 PM

To USPP Notifications

cc

bcc

Subject NOTIFICATION- WASO Building-Franklin Park update

There were about 100-200 demonstrators in the area of the Franklin School 14th and K Street NW, and USPP received reports from NPS personnel that the demonstrators had occupied the WASO Building located at 1201 E st NW.

SWAT units are monitoring the demo and report from the scene that NO DEMONSTRATORS have occupied or attempted to occupy the building.

MPDC has made between 6-10 arrests for occupying the Franklin School, and the group has now left the area, and returned to McPherson Park. MPDC units are following the group, as are SFB units.

Once again to dispell any reports NO PROTESTERS HAVE OCCUPIED or ATEMPTED TO OCCUPY THE WASO BUILDING.

D-1 units will make frequent checks throughout the shift.

If further information develops additional notifications will be sent out.

Lieutenant Simeon Klebaner
United States Park Police
Shift Commander's Office
Washington, DC
202-610-3505 office



**Lisa
Mendelson-Ielmini/NCR/NPS**

11/21/2011 03:36 PM

To Ann Bowman Smith/NCR/NPS@NPS,
John_Stanwich@nps.gov

cc

bcc Steve Whitesell/WASO/NPS

Subject Occupy

Ann/John -- We promised to keep you in the loop so here goes....

Recvd a call from Peggy requesting NAMA, USPP, and NCRO participation in a 6 pm mtg w. DC.

I know you are both out of the building right now but I wanted to let you know we're meeting @ 3:30 w/ USPP, SOL, and NAMA then to prepare for a 5 pm in Dep Dir O'Dell's office in preparation for the 6 pm that is expected to take place with the Mayor. It is expected that the same players will participate in all meetings.

If you are back, feel free to join us for the 3:30 which I've just confirmed w/ USPP, SOL, and NAMA (in 15 mins). We'll do the call on the RD line if you can/want to join in by phone: [REDACTED] and code [REDACTED]

Thanks,
lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
[REDACTED]



Lisa
Mendelson-Ielmini/NCR/NPS
11/21/2011 04:10 PM

To Robbin Owen/NCR/NPS@NPS, "randy new email myers"
<Randolph.Myers@sol.doi.gov>
cc Bob Vogel/NAMA/NPS@NPS, Kathleen
Harasek/USPP/NPS@NPS, "Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>, Steve
bcc
Subject Re: fyi: Draft Second Notice and revising the draft Executive
Brief 

Resending from Robbin to all

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
cc [REDACTED]

Robbin Owen

----- Original Message -----

From: Robbin Owen
Sent: 11/18/2011 03:31 PM EST
To: "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>
Cc: Bob Vogel; Kathleen Harasek; "Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>; Lisa Mendelson-Ielmini; Steve Lorenzetti; Steve
Whitesell

Subject: Re: fyi: Draft Second Notice and revising the draft Executive
Brief

Hi All would like to finalize and get this to the parks, I have made Lisa's revision. Have other edits been
made?

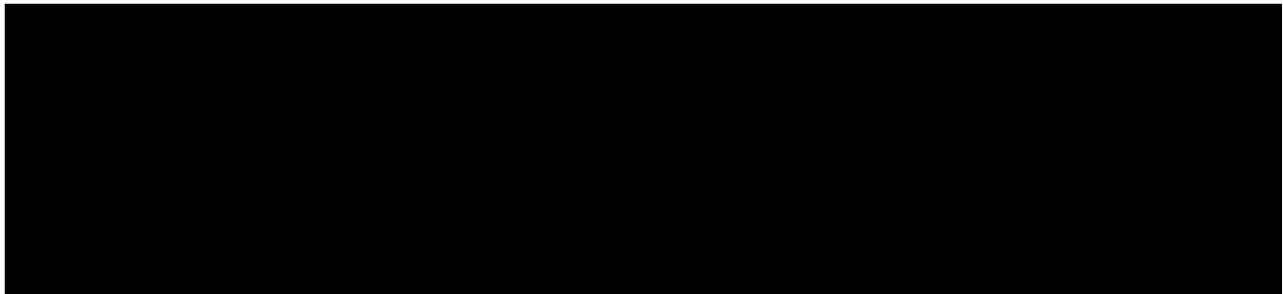
Thanks,
Robbin

"Myers, Randolph" Attached, fyi and review, is my suggested Seco... 11/17/2011 09:53:15 AM



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>
11/17/2011 09:53 AM

To "Lorenzetti, Steve" <Steve_Lorenzetti@nps.gov>, "Vogel,
Bob A." <Bob_Vogel@nps.gov>, "Owen, Robbin"
<Robbin_Owen@nps.gov>, "Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>
cc "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>,
"Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Whitesell, Steve E." <Steve_Whitesell@nps.gov>
Subject fyi: Draft Second Notice and revising the draft Executive
Brief





Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
Cc: Fondren, Kimberly
Subject: Suggested edits to the USPP draft Executive Brief
Importance: High



Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
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w (202) 208-4338 fax (202) 208-3877
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[attachment "Draft NAMA Second Notice RMyers 11.16.11.docx" deleted by Lisa Mendelson-Ielmini/NCR/NPS]

Simeon Klebaner/USPP/NPS

11/21/2011 07:29 PM

To

cc

bcc Steve Whitesell/WASO/NPS

Subject Notification: Sexual Assault 1 Arrest McPherson Park

On Monday November 21, 2011 @ about 1733 Hours, D-1 units responded to McPherson Park for a report of a theft, that was documented on the daywork shift summary.

The adult male victim reported that someone had entered his tent and stolen some personal belongings.

At about 1915 hours, D-1 units returned to the park because the complainant reported that the suspect had returned. Upon arrival the complainant reported that during contact with the suspect, the suspect, also an adult male, grabbed his groin area in a sexual manner.

D-1 units arrived on the scene and now have an arrest for the theft and Sex Assault.

CIB Det. Sgt. Steinheimer was notified.

Case #61357, will be changed from Theft no arrest to Sexual Assault 1 arrest.

The stolen property has been returned to the owner.

Lieutenant Simeon Klebaner
United States Park Police
Shift Commander's Office
Washington, DC
202-610-3505 office



Lisa
Mendelson-Ielmini/NCR/NPS
11/22/2011 03:17 PM

To david_barna@nps.gov
cc Steve_Whitesell@nps.gov
bcc
Subject Fw: Occupy DC - under age minors

Thanks, David, for helping to coordinate a conversation tomorrow. Just let me know when and I'll get the right folks there from Hains Pt. Thanks.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 11/22/2011 03:16 PM -----



Carter DeWitt
<cdewitt@taxfoundation.org>
11/22/2011 02:31 PM

To "Mason, Charles (COUNCIL)" <CMason@DCCOUNCIL.US>
cc "lisa_mendelson-ielmini@nps.gov"
<lisa_mendelson-ielmini@nps.gov>,
"steve_whitesell@nps.gov" <steve_whitesell@nps.gov>,
"teresa_chambers@nps.gov" <teresa_chambers@nps.gov>,
"bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"nortonschedule@mail.house.gov"
<nortonschedule@mail.house.gov>, "kbrown@dccouncil.us"
<kbrown@dccouncil.us>, "ksibert@dccouncil.us"
<ksibert@dccouncil.us>, "cmason@dccouncil.us"
<cmason@dccouncil.us>, "jevans@dccouncil.us"
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<mbrown@dccouncil.us>, "mch eh@dccouncil.us"
<mch eh@dccouncil.us>, "dcatania@dccouncil.us"
<dcatania@dccouncil.us>
Subject RE: Occupy DC - under age minors

I have contacted all of these people you suggested - you all say the same sound bite - *it is not our responsibility and we can't fix it.*

My answer, Charles, is yes you can. You can require them to pay fees for marching. You can require them to pay for the additional DC police on the streets the overtime and to pay for clean-up of the additional trash problems which blows into the streets.

This mess was allowed by a lack of leadership in both DC Council and Federal Parks. As a DC resident, a DC taxpayer, a federal taxpayer, a contributor to this city, I am asking you to fix your mess.

Carter

Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)

www.TaxFoundation.org

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From: Mason, Charles (COUNCIL) [mailto:CMason@DCCOUNCIL.US]
Sent: Tuesday, November 22, 2011 2:15 PM
To: Carter DeWitt; 'nortonschedule@mail.house.gov'
Cc: Brown, Kwame (COUNCIL); Vahey, Megan (Council); Sibert, Karen (Council)
Subject: RE: Occupy DC - under age minors

Ms. Laurie DeWitt:

On behalf of DC Council Chairman Kwame R. Brown, thank you for your email regarding Occupy DC at McPherson Square Park.

The Chairman shares your concerns. In that McPherson Square is federal property administered by the National Park Service and the National Park Police, we have been aggressively forward constituent concerns to Congresswoman Eleanor Holmes Norton's Office; further, where there are criminal allegations such as yours, we also notify the Chief of the United States Park Police, Teresa Chambers.

Below is additional information which we hope will also be of assistance.

Congresswoman Eleanor Holmes Norton's email address: 'nortonschedule@mail.house.gov'

National Park Police website: <http://www.nps.gov/uspp/>

S. Park Police 24 hour Emergency Number	(202) 610-7500 or 9-1-1
Office of the Chief - 1100 Ohio Drive S.W., Washington, D. C. 20242	(202) 619-7350
USPP Records - 1100 Ohio Drive S.W. Washington, D.C. 20242	(202) 619-7120
Human Resources Office - 1100 Ohio Dr SW, Wash, DC	(202) 619-7056
Central Station (District One) - 960 Ohio Drive S.W., Washington , D. C. 20020	(202) 426-6710
GWMP Station (District Two) 700 G. W. Memorial Pkwy - Turkey Run Facility) McLean, Va. 22101	(703) 285-1000
Rock Creek Station (District Three) - 1800 Beach Drive N.W., Washington, DC .	

Chairman Brown thanks you for reaching out to his office for assistance. If I can be of further help, my contact information is below.

CMason
Director, Constituent Services
Office of DC Council Chairman, Kwame R. Brown
(202)724-8032 Main Number
(202)724-8140 Direct
Cmason@dccouncil.us

From: Carter DeWitt [mailto:cdewitt@taxfoundation.org]
Sent: Tuesday, November 22, 2011 1:09 PM
To: Mason, Charles (COUNCIL)
Subject: Occupy DC - under age minors

I have been a resident of DC for three years. In that time I have paid my fair share of taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the book and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

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Sounds to me like you don't recognize who votes for you – and who butters your bread with their labor. It isn't Occupy DC – it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy Dc residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways.

There are thousands of us unhappy and complaining about them – why are you not hearing us?

Laurie DeWitt

Washington, DC 20005

Carter
Ms. LaurieCarter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045

(202) 464-5110 (Direct line)

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**Lisa
Mendelson-Ielmini/NCR/NPS**
11/22/2011 04:05 PM

To Peggy_O'Dell@nps.gov
cc Steve_Whitesell@nps.gov, Bob_Vogel@nps.gov,
david_barna@nps.gov
bcc
Subject Fw: McPherson Press Conference

fyi

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 11/22/2011 04:04 PM -----



Robbin Owen/NCR/NPS
11/22/2011 03:40 PM

To Steve Lorenzetti/NACC/NPS@NPS
cc Karen Cucurullo/NACC/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS
Subject McPherson Press Conference

Good Afternoon, Marissa is at McPherson Square a press conference is taking place. They are still speaking and have not left McPherson. Approximately 10 local news media outlets are represented.

Robbin



Teresa Chambers/USPP/NPS

11/22/2011 05:57 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS,
RANDOLPH.MYERS@sol.doi.gov
cc Bob Vogel/NAMA/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Peggy
O'Dell/WASO/NPS@NPS, David

bcc

Subject Fw: Who should write the response - Re: Occupy DC versus
other park users - I count too!

Lisa -- This bounced back the first time (I believe Ms. DeWitt has misspelled your name). Randy -- I'm not
confident yours arrived successfully either.

Please review email below. I look forward to your thoughts! Thanks.

T

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350

----- Forwarded by Teresa Chambers/USPP/NPS on 11/22/2011 05:54 PM -----



Teresa Chambers/USPP/NPS

11/22/2011 05:51 PM

To "bob_vogel@nps.gov" <bob_vogel@nps.gov>,
"lisa_mendelson-ielmimi@nps.gov"
<lisa_mendelson-ielmimi@nps.gov>,
"steve_whitesell@nps.gov" <steve_whitesell@nps.gov>
Randolph Meyers
cc David Schlosser/USPP/NPS@NPS, Kathleen
Harasek/USPP/NPS@NPS, Patrick
Smith/USPP/NPS@NPS, Robert
MacLean/USPP/NPS@NPS, Peggy
O'Dell/WASO/NPS@NPS

Subject Who should write the response - Re: Occupy DC versus
other park users - I count too! 

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350
Carter DeWitt <cdewitt@taxfoundation.org>



Carter DeWitt
<cdewitt@taxfoundation.org>

11/22/2011 01:43 PM

To "teresa_chambers@nps.gov" <teresa_chambers@nps.gov>, "bob_vogel@nps.gov" <bob_vogel@nps.gov>
cc "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>, "steve_whitesell@nps.gov" <steve_whitesell@nps.gov>
Subject Occupy DC versus other park users - I count too!

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Laurie Carter DeWitt

[REDACTED]
Washington, DC 20005

Carter

Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)

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Teresa Chambers/USPP/NPS

11/22/2011 07:56 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS

cc Bob Vogel/NAMA/NPS@NPS, Steve Whitesell/WASO/NPS@NPS, Peggy O'Dell/WASO/NPS@NPS, David Barna/WASO/NPS@NPS

bcc

Subject Re: Conference call Wednesday morning on Occupy DC issues

Thanks, Lisa. I'll be handling a grievance hearing starting at 9, but I'll be sure to have a command representative on the call.

Teresa

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
[REDACTED]

From: Lisa Mendelson-Ielmini
Sent: 11/22/2011 07:53 PM EST
To: Teresa Chambers
Cc: Bob Vogel; Steve Whitesell; Peggy O'Dell; David Barna
Subject: Fw: Conference call Wednesday morning on Occupy DC issues

Fyi to keep everyone in the loop.... We'll circle back after the call.

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
[REDACTED]

From: Lisa Mendelson-Ielmini [lisa_mendelson-ielmini@nps.gov]
Sent: 11/22/2011 07:47 PM EST
To: Carol Johnson
Cc: David Schlosser; David Barna; William Line; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; KatherineKelly <Kate_Kelly@ios.doi.gov>
Subject: Re: Conference call Wednesday morning on Occupy DC issues

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
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I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call
[REDACTED]

Code [REDACTED] participant
Code [REDACTED] leader

David

Carter DeWitt
<cdewitt@taxfoundation.org>
To
"lisa_mendelson-ielmini@nps.gov"
11/22/2011 01:49 PM <lisa_mendelson-ielmini@nps.gov>
cc

Subject

Occupy Dc versus other park users -
I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

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Washington, DC 20005

Carter

Ms. Carter DeWitt

Vice President of Development

Tax Foundation

National Press Building

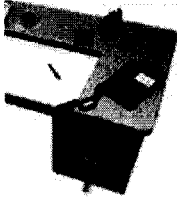
529 14th St., NW, Suite 420

Washington, DC 20045

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Patrick Smith/USPP/NPS

11/22/2011 09:09 PM

To Kathleen Harasek/USPP/NPS@NPS, Robert
MacLean/USPP/NPS@NPS, Jeanne
O'Toole/USPP/NPS@NPS, Teresa

cc

bcc

Subject Re: Occupy DC Update

Update:

At 8PM approximately 40 Occupy DC protesters arrived in Simon Bolivar Park and protested along 18th and C Street until 9PM.

Protesters have cleared the area.

Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 11/22/2011 09:03 PM EST

To: Patrick Smith; Robert MacLean; Jeanne O'Toole; Teresa Chambers; Pamela Blyth; Karen Cucurullo; Steve Lorenzetti; Bob Vogel; Lisa Mendelson-Telmini; Steve Whitesell; Peggy O'Dell; "Randolph Myers" <RANDOLPH_MYERS@sol.doi.gov>

Subject: Occupy DC Update

Groups from NY and VA merged with DC and held a press conference in McPherson Square @ 1430 without incident.

Group plans indicated a march to Freedom Plaza, continuing onto the Capitol and Mali area for a "temporary occupation". USPP units continue to monitor the group which has not left their visit at Freedom Plaza. Group numbers approximately 30 - much lower than anticipated.

Other Occupy DC persons are taking part in First Amendment Activities in conjunction with GOP Debate at Constitution Hall.

No activity on Mall or Grant Statue.

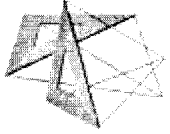
MPD reports of tents in Franklin Park are unfounded (monitoring Twitter traffic).

---eor/kah

Capt. Kathleen Harasek

U.S. Park Police

202-426-6710



Kathleen Harasek/USPP/NPS

11/23/2011 08:58 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject #1 McPherson/Freedom Daily

All significant information regarding yesterday's activities were relayed through email notification last night.

Overnight, the groups continue to occupy both sites and the following were notable;

- Freedom Plaza/Disorderly Conduct - USPP responded for a dispute involving group leaders and an individual from outside the group. Report indicate that the "outsider" had broken into locks on the light poles in an attempt to obtain power for tents. Suspect has been identified and USPP will follow up.
- Freedom Plaza/Damage to Govt. Property - (6) electrical boxes were broken into to facilitate obtaining power for the group. NPS Maint notified and following up. USPP will follow up to determine value of damages.
- McPherson/Disorderly Conduct - Verbal argument between two occupants; one of which wanted access into a tent which was denied. Both parties identified, checked for warrants warned and separated.

Occupy DC may march to Union Square/US Capitol at 0900. No activity to support this observed yet, USPP in contact with MPD and USCP for coordination.

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

[REDACTED]
Kathleen_Harasek@nps.gov



**Lisa
Mendelson-Ielmini/NCR/NPS**

11/23/2011 11:53 AM

To "Alma_Ripps@nps.gov" <Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>, "David_Schlosser@nps.gov"

cc

bcc

Subject DRAFT ATTACHED -- Occupy DC public inquiry 

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.



2011 11 23 Community Response DRAFT.docx

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office


David Barna <david_barna@nps.gov>



David Barna
<david_barna@nps.gov>

11/22/2011 08:16 PM

To Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov>

cc "Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>, "David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>, "William_Line@nps.gov"
<William_Line@nps.gov>, "Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>, "Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>, "Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>, "Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>, "Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>, KatherineKelly
<Kate_Kelly@ios.doi.gov>

Subject 9:30 okay for call Wednesday morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

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[REDACTED]
Code [REDACTED] participant
Code [REDACTED] leader

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To
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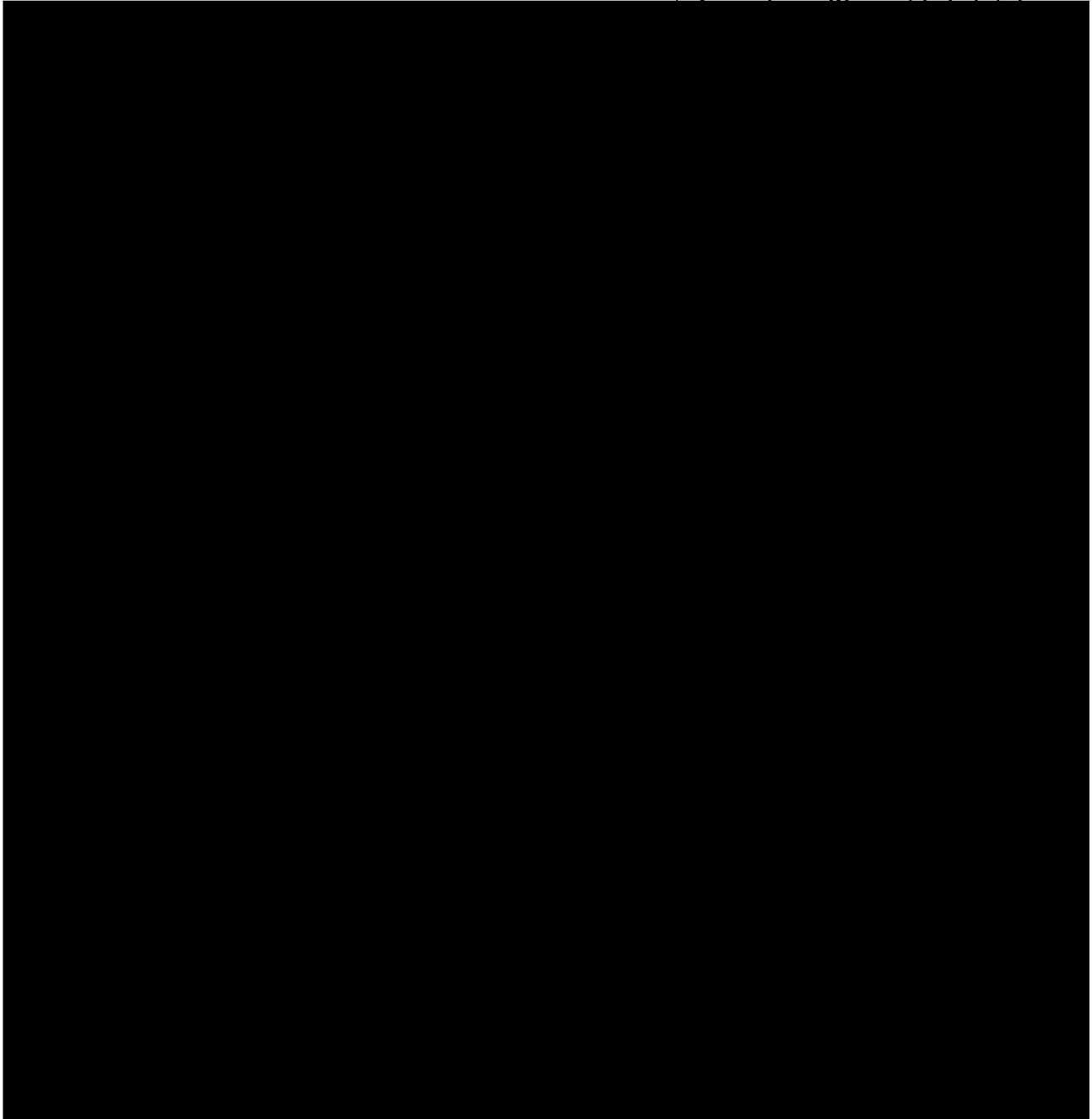
Laurie Carter DeWitt

210 151 6 2000 511

Washington, DC 20005

Carter
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Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov (202) 245-4661

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov (202) 619-7350



Bob Vogel/NAMA/NPS
11/23/2011 02:26 PM

To Claire Rozdilski/WASO/NPS@NPS, Karen
Cucurullo/NACC/NPS@NPS, Maureen
Foster/WASO/NPS@NPS, Steve
cc Judy Bowman/NCR/NPS@NPS

bcc

Subject Re: Meeting with KLS

I will be on travel on Monday back in office on tuesday.
Claire Rozdilski

----- Original Message -----

From: Claire Rozdilski
Sent: 11/23/2011 02:02 PM EST
To: Bob Vogel; Karen Cucurullo; Maureen Foster; Steve Lorenzetti; Steve
Whitesell
Cc: Judy Bowman
Subject: Re: Meeting with KLS

Unless there are strong objections, I'd like to schedule this at 2:00pm on Monday, November 28.
Will you all be coming over here, or shall I set up a call in number?

Thanks! And Happy Thanksgiving!

Claire

Peggy O'Dell/WASO/NPS



Peggy O'Dell/WASO/NPS
11/23/2011 12:12 PM

To Steve_Lorenzetti@nps.gov, Karen_Cucurullo@nps.gov, Bob
Vogel/NAMA/NPS@NPS, Steve_Whitesell@nps.gov
cc maureen_foster@nps.gov, Claire
Rozdilski/WASO/NPS@NPS
Subject Meeting with KLS

Thank you all for the scramble to answer a few questions for me prior to this meeting. It went well, [REDACTED]

[REDACTED]

[REDACTED] Claire will
you get 30 minutes early next week for this please? Thank you.

Hope all of you have a relaxing day tomorrow and come back strong next week!

P

Peggy O'Dell

Deputy Director, Operations

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA



Kathleen Harasek/USPP/NPS

11/24/2011 08:09 AM

To Peggy O'Dell/NCR/NPS@NPS, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa

cc

bcc

Subject #2 McPherson/Freedom Daily

No significant criminal incidents at either location.

- Within the last 24 hours members of Occupy DC conducted a March to the Capitol that was monitored by USPP assets as it moved through areas of primary jurisdiction. USPP continues to work with MPD and US Capitol Police as necessary during movements.
- There was a permit dispute at Freedom Plaza regarding dual use for events scheduled today. NAMA and USPP met with both parties and were able to effectively resolve issues. USPP and NAMA will monitor site today during event.
- Destruction of government property reported yesterday based on initial reports was found to be not entirely accurate after further investigation. Access to panels had been allowed in some areas and unapproved access was obtained in others. NAMA has identified a specific number of panels that will be available to permittee, all others will be configured to restrict access.
- Routine patrols conducted without incident.

Interesting links:

Occupy DC Daily Schedule: www.occupydc.org

Article regarding DC expenditures for Occupy DC protests:

<http://washingtonexaminer.com/local/dc/2011/11/district-spending-22000-day-occupy>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)

Kathleen_Harasek@nps.gov



Robbin Owen/NCR/NPS

11/24/2011 08:37 AM

To Leonard Lee/NCR/NPS@NPS, Marisa
Richardson/NACC/NPS@NPS, Karen
Cucurullo/NACC/NPS@NPS, Steve

cc

bcc

Subject McPherson & Freedom 2nd Notice to Demonstration groups

Good Morning All,

The second notice to demonstration groups at McPherson Square and Freedom Plaza is finalize and has been place on the NAMA website. Staff will deliver and post the notices by 9:00 am on Friday morning.

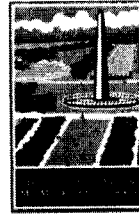


McPherson.secondnotice.11.23.11.docx



Help Us Preserve Freedom Plaza and McPherson Square

National Mall and Memorial Parks – National Park Service



November 23, 2011

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC are used almost every day as places for demonstrations as well as for the enjoyment and use of other park visitors. The National Park Service is also required to protect our important cultural and natural resources. To help you help us with that responsibility and ensure your compliance with park regulations, we are providing this additional reminder for visitors using the parks regardless of the reason for their visit.

While the National Park Service has provided additional trash receptacles and emptied them at least three times per day at Freedom Plaza and McPherson Square, problems associated with inappropriate food storage and disposal has resulted in rodent sightings. While the National Park Service has placed rodent traps in these parks, people should renew efforts to have their trash and debris cleared and placed in park trash receptacles at the conclusion of each day's events. The United States Park Police remains committed to ensuring safety within these parks and will increase their patrol activities, especially due to increasing problems of public urination and defecation, illegal drug and alcohol use, and assaults.

Camping continues to be prohibited. Camping is defined at 36 CFR § 7.96(i)(1) as "the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking. . . "

The use of temporary structures for camping continues to be prohibited. 36 CFR § 7.96(5)(iv) allows temporary structures as part of a permitted demonstration "for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays." However, "[t]emporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging...." In addition, to allow for visual inspection and monitoring, all temporary structures must continue to have at least one open side.

National Park Service rangers will be distributing this Notice to persons in both parks as well as each temporary structure. The Notice will also be posted in both parks. National Park Service rangers and United States Park Police officers will continue to monitor the activities within the park, to ensure compliance with health and safety issues and to answer questions. Your cooperation is appreciated.

If you have any questions, or would like a copy of the Notice, please contact Robbin Owen, Chief, Permits Management at 202-245-4715. A copy of this Notice has been posted on the park's website at www.nps.gov/nacc/parkmgmt.



Karen Cucurullo/NACC/NPS

11/25/2011 12:18 PM

To cdewitt@taxfoundation.org

cc Bob Vogel/NAMA/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS,
Lisa_Mendelson-Ielmini@nps.gov, Teresa

bcc

Subject Fw: Occupy DC versus other park users - I count too!

Ms Dewitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
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Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>; Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. **Do you have any idea how hard that is to do?** I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I

have my one day off – Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you – and who butters your bread with their labor. It isn't Occupy DC – it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. **They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -**

There are thousands of us unhappy and complaining about them -- why are you not hearing us?

Laurie Carter DeWitt

th
[REDACTED]

Washington, DC 20005

Carter

Ms. Carter DeWitt

Vice President of Development

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